

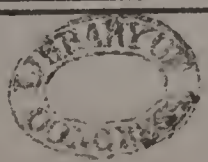
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**REPORT**  
OF THE  
**Nebraska Children's**  
**Code Commission**  
1920



Department of Public Welfare  
State Capitol  
LINCOLN, NEBRASKA





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1920

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January 11, 1921.

*To the Honorable Walter L. Anderson, Speaker, and to  
the Members of the House of Representatives:*

The 37th session of the State Legislature provided for a Children's Code Commission. It was my privilege to appoint the members of that body and I am submitting to you their report.

Permit me to say on behalf of the members of the Commission that they worked zealously and faithfully in an effort to gather for your honorable body the information that is contained in this report, and I submit it in the hope that you will give this entire matter your most careful consideration.

Respectfully submitted,

SAMUEL R. MCKELVIE,

Governor.

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December 30, 1920.

Honorable Samuel R. McKelvie,  
Governor of Nebraska,  
The Capitol, Lincoln,

Dear Sir:—

The principle that “the child-welfare legislation of every state requires careful reconsideration as a whole at reasonable intervals, in order that necessary revision and co-ordination may be made and that new provisions may be incorporated in harmony with the best experience of the day,” was given official recognition first in 1911 by the appointment in Ohio of a commission to codify and revise the laws of that state relative to children. By 1920 seventeen states and the District of Columbia had created such bodies and at least fourteen other states had taken some definite action toward a comprehensive program for child protection. The Children’s Bureau of the United States Department of Labor has rendered valuable aid to this movement and under its auspices conferences on child welfare were held in 1919 whose “minimum standards for child-welfare”—even though not presently attainable in all particulars—afford a basis for systematic effort.

The Nebraska Children’s Code Commission, appointed by you in September, 1919, pursuant to an Act of the Legislature of that year, began its work October 10, 1919. The fifteen members of the commission were representative of various spheres of social activity and their conclusions and recommendations are the result not alone of study, discussion and deliberation but of practical experience as well. The work was divided into five groups for each of which a special committee was constituted under a chairman especially qualified for that particular topic, and the proposals of each committee were then submitted to the commission for final action. The assembling of the materials and the executive

work of the commission were done, for the most part, by its capable and indefatigable secretary, Mr. C. E. Prevey.

The commission was very greatly aided in its labors by the generous assistance of many persons having expert knowledge in particular fields—some of these, our own citizens; others, leading authorities of other states or of national organizations dealing with these problems. Helpful suggestions were received, likewise, as a result of the conferences held in several communities and from the responses to the questionnaires which were sent to state, county, city and school officials, heads of institutions and social workers throughout the state. The Department of Public Welfare and the Board of Control have co-operated with the commission at all times and similar commissions in other states have given us the benefit of their labors. It is impracticable to make acknowledgment to each of these individually but the commission takes this occasion to express generally its appreciation of the service so freely rendered.

Of the commission as originally constituted, two members have resigned: Miss Charlotte Townsend R. N., because of extra demands upon her time occasioned by her duties as chairman of the school nursing section of the national organization of public health nurses; and Mr. Jesse H. Newlon, because of his removal to Denver to become the superintendent of the public schools of that city. Their places were taken and the assigned work carried on by Dr. J. F. Edwards, Health Commissioner of the city of Omaha, and Chancellor C. A. Fulmer of the Federal Vocational Bureau.

The commission issued in September, 1920, a preliminary report which briefly summarized its work up to that time and invited suggestions, criticism and information. This brought some valued suggestions which have been incorporated in the final report and resulted also in the endorsement of the work of the commission by several important, state-wide organizations.

It is not expected that the report, herewith submitted, will meet unqualified approbation. No one can be more conscious of its deficiencies than the commission itself. It does, how-

ever, embody the results of careful, conscientious study, practical experience, thorough discussion, and serious deliberation. It presents nothing visionary, impracticable, nor experimental. The commission believes that if the measures recommended will be enacted they will greatly promote the physical, mental and moral welfare of the children of this state, and respectfully urges the adoption of the whole program herein presented.

We wish also to express to you our grateful appreciation of the interest you have manifested in and the consideration you already have given to the work of this commission.

Very truly yours,

HOWARD KENNEDY,  
Chairman.

## MEMBERS OF THE COMMISSION.

Howard Kennedy, Chairman, Omaha.  
Lincoln Frost, Vice Chairman, Lincoln.  
Welcome W. Bradley, Omaha.  
Mrs. T. J. Doyle, Lincoln.  
Dr. Palmer Findley, Omaha.  
Mrs. Emily P. Hornberger, Lincoln.  
Miss Annie C. Kramph; North Platte.  
Jesse H. Newlon, (resigned), Lincoln.  
C. A. Fulmer (appointed to fill vacancy), Lincoln.  
Mrs. Addison E. Sheldon, Lincoln.  
Mrs. Draper Smith, Omaha.  
Miss Lillian B. Stuff, Omaha.  
Miss Charlotte Townsend, (resigned) Omaha.  
Dr. J. F. Edwards, (appointed to fill vacancy), Omaha.  
J. A. True, McCook.  
Mrs. T. F. A. Williams, Lincoln.  
Arthur G. Wray, York.

---

C. E. Prevey, Executive Secretary.

## STANDING COMMITTEES.

1. **Special Classes of Children.**  
Lincoln Frost, Chairman.  
Welcome W. Bradley.  
Mrs. T. J. Doyle.  
Mrs. Emily P. Hornberger.  
Miss Lillian B. Stuff.
2. **Education and Child Labor.**  
Mrs. Draper Smith, Chairman.  
Lincoln Frost.  
Jesse H. Newlon, (resigned).  
C. A. Fulmer.  
J. A. True.  
Mrs. T. F. A. Williams.
3. **Health and Recreation.**  
Dr. Palmer Findley, Chairman.  
Mrs. T. J. Doyle.  
Dr. J. F. Edwards.  
Mrs. Addison E. Sheldon.  
Miss Lillian B. Stuff.
4. **General Child Welfare.**  
Arthur G. Wray, Chairman.  
Welcome W. Bradley.  
Dr. Palmer Findley.  
Mrs. Emily P. Hornberger.  
Mrs. Addison E. Sheldon
5. **Administration and Law Enforcement.**  
Mrs. T. F. A. Williams, Chairman.  
Dr. J. F. Edwards.  
Miss Annie C. Kramph.  
J. A. True.  
Arthur G. Wray.





## PART ONE

---

### INTRODUCTION.

#### I. SCOPE OF THE REPORT.

The law authorizing the appointment of the Children's Code Commission assigned it the duty of making a study of child welfare in Nebraska and recommending legislation on that subject.

The commission, after a careful consideration of the different interpretations of the term "child welfare," decided to accept the broader meaning and to consider generally matters affecting the welfare of children which can be a proper subject for legislation. Accordingly it was agreed that the needs of normal children in normal homes should not be neglected in considering the needs of special classes of children. It was further decided that the word "children" should be interpreted to include all persons under twenty-one years of age.

With this broad definition of the field, it was, of course, recognized that it would be impossible to cover all aspects with equal thoroughness. With normal children there are important phases of welfare work which have become specialized, particularly in the field of primary and secondary education, public health and recreation. The commission has not attempted to cover these topics fully, but it has given some study to those aspects of each which affect the general child welfare situation and has suggested several bills upon these subjects.

#### II. NATURE OF LEGISLATION PROPOSED.

The children's code commission has not been able to study intensively these special problems. It has made a general survey of the field and has summarized its findings in this report under two heads:

First, laws recommended to meet immediate needs.

Second, administrative machinery which, if created, will make effective these recommendations and will study child welfare problems and suggest further legislation as the need develops.

The measures recommended are composed of fifty-three bills, thirty-two of which are in the form of amendments to present laws; six would repeal present laws and enact new legislation on the same subject; and fifteen are new and independent laws.

### III. SPECIAL ATTENTION TO RURAL CONDITIONS.

Recognizing the fact that a large majority of the children of Nebraska live in rural communities, the members of the commission, in formulating their recommendations have given especial attention to child welfare in those communities. In the past most social welfare legislation has been based upon urban conditions. In this state the juvenile court law is limited in practice almost exclusively to Lancaster and Douglas counties, which contain the largest two cities of the state. This has been true primarily because the law was drafted in such a way as to be clear in its provisions for those counties while very indefinite in its application to other counties. The compulsory school law requires full time attendance at school in the cities and only two-thirds of the time in the country. The length of the school term in the city is nine months, as required by law, and in the country it may be as low as four months. Provisions are made for attendance officers in the cities and the law is fairly well enforced there, while in the rural districts it is very poorly enforced. A recent investigation showed that twenty-two thousand children lived in districts where the average attendance per census pupil is less than forty days in a year, and that sixteen thousand lived in districts which enroll less than forty per cent of the children of school age, while sixty-four thousand lived in districts which enroll less than fifty-five per cent.

This inequality in enforcement of child welfare measures becomes apparent when it is realized that nearly four-fifths of the children of the state live outside of towns having a



population of twenty-five hundred or over. It will be in vain to try to eliminate illiteracy by compulsory school laws and child labor laws and to minimize physical defects by school health laws if such legislation is effectively enforced among only one-fourth or one-fifth of the children of the state.

The figures of the census of 1920 are not yet available, but in the table given below is shown the number of children in Nebraska according to the census of 1910 in each age group, classified as urban and rural; urban being defined as those living in towns having a population of twenty-five hundred or more. The estimate for 1920 is made by adding ten per cent in each age group, which is approximately the percentage of increase in the total population. From this table it appears that there are approximately six-hundred thousand children in Nebraska under twenty-one years of age and that 79 per cent of all the children live in rural communities.

### CHILDREN IN NEBRASKA.

Number in 1920, estimated by adding 10 per cent to census figures for 1910.

Age	1910			1920				
	Total	Urban No.	Rural No.	Total	Urban No.	Pct.	Rural No.	Pct.
Under 5 .....	140,096	29,190	110,906	154,105	32,109	20.8	121,996	79.2
5 to 9 .....	128,086	26,094	101,992	140,894	28,703	20.4	112,191	79.6
10 to 14 .....	121,782	25,168	96,614	133,959	27,684	20.8	106,275	79.2
15 to 19 .....	124,518	30,109	94,409	136,969	33,120	24.3	103,849	75.7
Estimated age 20 .....	24,903	6,022	18,882	27,394	6,624	24.2	20,770	75.8
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	539,385	116,583	422,803	593,321	128,240	21.6	465,081	78.4

#### IV. PURPOSES OF CHILD WELFARE LEGISLATION.

The underlying thought of the legislation which is recommended is that the state is ultimately responsible for the care of all children. It is interested in the moral, mental and physical development of the children of the state because to the extent that they so develop, they will contribute to the material prosperity and spiritual strength of the community; and to the extent that they fail to develop they will become a menace and a burden to society.

The responsibility for the care and education of children belongs primarily to the family. The future welfare of the state and nation depends very largely on the developing of the feeling of that responsibility on the part of parents and the strengthening of the home as the most fundamental institution in society. In child welfare legislation, which so closely affects the integrity of the home, it is especially necessary to avoid policies which will have a tendency to weaken the home or the family.

With the growing complexity of modern life, however, it is necessary for the state to supplement the home in certain activities. In the field of education the state school system supplements the efforts of the family almost to the exclusion of the latter. The state charitable institutions for children in the past have been an open door for the care of such dependent, neglected and wayward children as are brought to the attention of the state. In these two departments of state activity, which are universally approved, it is admitted that private initiative fails to guarantee adequate care, and that: (1) All children will be better provided for through state control of education; and (2) A few children must receive all their care from the state in exceptional cases where, through poverty, delinquency or mental incapacity, the family breaks down.

To these two functions of the state the Children's Code commission would add a third important feature. It would provide through the state child welfare bureau and the county boards of child welfare means by which the state may search out every child who needs its aid or protection. The

commission considers this a fundamental addition to our child welfare system. In the past, notwithstanding the compulsory education laws and our state-wide free schools, there have been thousands of children who have grown up without the advantages of schooling. If the laws recommended in this report are adopted there will be provided in every school district of the state, not only the opportunities for school training, but also through the state child welfare bureau co-operating with the county boards of child welfare, the necessary machinery for securing to every child the school opportunities which the state affords. Local attendance officers are provided for in all cities and county attendance officers or superintendents of child welfare are provided for in every county. The work of the county board of child welfare and the state child welfare bureau are so co-ordinated as to assure that every child throughout the state shall be reached.

## PART TWO.

---

### SUMMARY OF LEGISLATION RECOMMENDED.

The Children's Code Commission has been organized in five committees, each of which has had a definite department of the field of child welfare. Each committee has originated the proposed legislation in its assigned field, and this after careful analysis by the commission as a whole and the rejection or modification of many proposals, has been worked into the final report which has received the approval of the commission. In the following paragraphs there is summarized a statement of conditions studied by each committee and the legislative remedies submitted by the commission. The majority of these recommendations are in the form of definite bills which are given in full in Part Four of this report, grouped together in five chapters corresponding with the five committees. In addition to these bills, the commission has adopted a number of recommendations in some cases endorsing bills originating elsewhere, in others recommending appropriations, and in still others outlining the policies for future legislation, all these recommendations being summarized in the following paragraphs which are to be considered in connection with the legislative proposals in Part Four of this report.

#### I. SPECIAL CLASSES OF CHILDREN.

This subject covers by far the largest field in child welfare legislation. Until recent years social welfare organizations concerned themselves almost wholly with the study of the special classes of children. Some of the earlier code commissions confined their investigations practically to this branch of the field. Later commissions have given more attention to the study of child welfare in general, including the normal child in the normal home.



Following the usual classification, the report of committee number one will be divided into four heads, covering respectively the defective, the dependent and neglected, and the delinquent children; and finally a report on courts and general provisions for all the special classes of children.

#### (a) DEFECTIVE CHILDREN.

Defective children include the feeble-minded, crippled, blind, deaf, and children with speech defects.

Among these the feeble-minded constitute by far the greatest problem. This should be considered as not merely the problem of caring for these unfortunate children, but as affecting the social welfare of the whole state. Mental defect is so widespread and of such varying degrees, and its tendency to increase so vitally affects the welfare of the state as a whole, that it easily takes a foremost place among our child welfare problems. To the average person the term feeble-minded connotes the typical inmate of an institution,—an idiot or imbecile. As a matter of fact these constitute but a small percentage of the feeble-minded and they are the least troublesome as a social menace.

A thoroughgoing survey of ten counties in Indiana, made by experts employed by a state commission to study the problem of mental defectives in that state, brought out the following facts:

In the counties studied it was found that 2.11 per cent of the population were mentally defective. This included, however, the epileptic, the insane and the feeble-minded. It was found that 4,157 or 1.65 per cent of the population were feeble-minded. Among these only 99 were classed as idiots or the lowest grade of mentally deficient, 791 as imbeciles, while 3,268 were classed as morons or high grade feeble-minded. Of the latter only 237 were in institutions, while the experts who made the survey classified 1,283 as needing institutional care, and 1,748 as not in need of such care. Of the 4,157 feeble-minded, only 135 were being cared for in the state institution for feeble-minded, while 148 were found in poor asylums, 46 in orphans' homes, 30 in the girls' industrial schools, 9 in the boys' industrial schools, and

49 in other institutions. This report states that the idiot and imbecile do not ordinarily reproduce their kind. On the other hand the average family of the moron is 2.4 times as large as the average normal family. It is estimated that 65 per cent of feeble-mindedness in the state can be traced to heredity.

If the same percentage of the population of Nebraska were feeble-minded, this state would have 21,384 feeble-minded. This is probably larger than the actual number. It is possible that certain conditions of environment and geographical location and historical influences may have resulted in a considerably larger proportion of mental defect in the older state than in the newer. It is an unfortunate fact that we have no definite data as to the number of mentally defective in this state, but after making all possible allowance for differences in the character of the population it is evident that the great majority of our mentally defective are not being cared for in institutions but are allowed to live their own life and to reproduce their kind. The capacity of our state institution for the feeble-minded is only seven hundred, and the majority of the inmates are of the idiotic and imbecile type which do not ordinarily reproduce. The great majority therefore of the moron type which are, in general, reproducing much more rapidly than the normal population are allowed to marry and to increase the proportion of feeble-minded in the state.

A survey made by the state child welfare bureau during the past year, while not purporting to be an accurate census of the mentally defective, has brought out some facts well worth considering in this connection. The teachers of the state were requested by the bureau to fill out questionnaires on all the special classes of children. The questionnaires returned, covering 89,754 of the school children of the state, reported the following number of each of the special classes of children:

Blind	60
Deaf	118
Crippled	384
Speech defects	600

Mentally deficient .....	432
Dependent .....	123
Neglected .....	461

The school children covered in this report constitute only 15 per cent of the 593,000 children under the age of twenty-one years in the state. Assuming the same percentage of defectives and needy children would be found among all the children of the state, we have the following table:

	Nebraska Children Under 21		In State Institutions	
	Number Reported	Estimated in the State	During Biennium	At End of Biennium
Blind .....	60	400	106	48
Crippled .....	384	2,560	795	54
Deaf .....	118	786	248	169
Mentally deficient.	432	2,880	663	553
Speech defects....	600	4,000	No institutions	
Dependent .....	123	818	517	325
Neglected .....	461	3,072	No data	

In considering the great discrepancy shown by this table between the estimated number of defective children in the state and the number cared for, allowance should be made for several things. Of the estimated 400 blind children in the state, it is true that a certain portion are too young to enter the school for the blind and a few are receiving instruction elsewhere. And yet when only 48 children are taught in the state school for the blind at a given time out of approximately 400 blind under 21 years of age, and only 169 are being taught at the school for the deaf out of an estimated 786 deaf children in the state, it is evident that a large proportion of these handicapped children are not receiving the training which they might receive and which would make all the difference between self-support and dependency in many cases. The same is true of the crippled children, only 795 of whom were received at the state orthopedic hospital during the biennium out of an estimated 2,560 in the state.

In regard to the defective children the commission reached the following conclusions on which are based the legislative proposals:



(1) The feeble-minded are the most numerous of the defective classes and from the moron or higher grade feeble-minded are recruited the majority of all the defective classes and of all the inmates of our penal and correctional institutions. It has been estimated that there are between 3,000 and 4,000 feeble-minded in the state and only about 700 of them are receiving institutional care.

(2) The rate of increase is much more rapid among the feeble-minded than among the normal.

(3) Where either parent is feeble-minded the offspring is likely to be and where both parents are feeble-minded the children are sure to be.

(4) The only practicable means of limiting the future increase of the feeble-minded is to segregate them from the rest of the population and this is emphatically true of the moron.

(5) By segregating the higher grades in state institutions or farm colonies they can be made practicably self-supporting.

(6) In order to carry out these plans of segregation on a large scale it is necessary to begin by securing more information as to the extent and nature of the problem and by training experts to examine and classify the feeble-minded as a necessary step to their segregation.

(7) For the large number of mentally subnormal who cannot be classified as institutional cases, it is necessary to furnish instruction in special classes where the training will be adapted to the needs of the pupils in order to prepare them for practical work and in order to separate them from the normal children in schools, where they are a great hindrance to efficiency.

In order to carry out these plans the commission makes the following recommendations:

(1) That a bureau of juvenile research be established (Bill 1, page 69). The purposes of this bureau are to provide the board of control with an agency for the observation, classification and treatment of children committed to it for institutional care, to study and investigate the problem of the feeble-minded, and to supply a staff of experts



to make examinations of defective children in public schools and in juvenile courts.

The bureau is to be created under the board of control for the reason that it is a necessary part of the institutional equipment of the state for the care of the state's juvenile wards. The commission recommends an appropriation for the maintenance of this bureau during the first biennium of \$30,000.

(2) That the present law relating to the state institution for feeble-minded and the method of commitment thereto be amended (Bill 2, page 71). The purpose of this amendment is to restate the name and the purposes of the state institution for the feeble-minded, to strengthen the provisions for the compulsory commitment of the feeble-minded and to provide that where the person committed is already an inmate of any state institution, the commitment shall be to the custody of the state board of control instead of the state institution for feeble-minded, making it possible by this means to detain in the industrial schools or in the state reformatory for women or other penal institution, for an indefinite time, those who are committed for delinquencies and who should not be returned to society because of mental defect.

(3) That special classes be established for the mentally subnormal (Bill 3, page 77). These classes will provide training by specially qualified teachers, for those who are mentally subnormal but do not need institutional care. Industrial training and the greater personal attention given the individuals in such classes will have a great tendency to prevent these children from becoming dependent or delinquent. This bill provides for state aid for such classes to the extent of \$50 for each pupil instructed. To carry out the purposes of the act an appropriation of \$20,000 is recommended.

In addition to the three bills above referred to dealing directly with the mentally defective, the commission has provided incidentally in other bills, for the care of the defectives and for the checking of their future increase as follows: In the marriage law (Bill 33, page 189) there are provisions

for prohibiting the marriage of the mentally defective. An amendment to the law creating the state reformatory for women is recommended (Bill 11, page 93), providing for the permanent detention at that institution of girls committed there who are found to be mentally defective. An amendment to the juvenile court law (Bill 12, page 95) provides for examination by mental experts of children brought before the juvenile court in certain cases.

In addition to the legislative measures that have been prepared by the commission, affecting the mentally defective, the commission has agreed upon the following policies which they recommend should be carried out by the state:

(1) That the state should provide for the segregation of the feeble-minded especially of the moron class in colonies in connection with the state institution for feeble-minded. These colonies should be built up on the cottage plan with large tracts of land, where the high grade men and boys may be employed in agricultural and horticultural occupations and where the girls and women may likewise be employed in separate colonies.

(2) The commission recommends liberal appropriations for the enlargement of the state institution for the feeble-minded and for the enlargement of the state reformatory for women, in order that the latter institution may be made efficient and that it may be possible to detain permanently those who are committed there as delinquents or misdemeanants and who are found upon examination to be of such low mentality that they are likely to become the mothers of defective children or become a menace to the community.

(3) The commission recommends that as soon as possible the state should establish a special colony for epileptics to care for these unfortunates, who, though otherwise mentally normal in many cases, are now either cared for in poor houses, or in institutions with the insane or feeble-minded or are deprived of institutional care.

#### (b) DEPENDENT AND NEGLECTED CHILDREN.

Dependent children are those who, through poverty or the breaking up of the home, must rely upon the public.

for support. Neglected children are those whose parents abuse or neglect them to such an extent that it is necessary for society to interfere in their behalf. As the neglected children usually become a charge upon the public they may be considered together with the dependent. So far as the state is concerned the primary agency for caring for these children as well as for the delinquent is the juvenile court, which will be discussed in later sections. The agencies for the relief of dependent and for the protection of neglected children include the child-saving organizations and orphanages conducted by churches, the children's homes maintained by fraternal organizations and family relief organizations, all these supplementing the work which the state is doing through its home for dependent children and industrial home for women and through the mothers' pension law.

The problems of dependent and neglected children in Nebraska are numerous and complicated and the commission has found a number of unsatisfactory conditions which are susceptible of improvement by legislation. These may be summarized as follows:

(1) The work of child placing organizations should be carefully supervised by the state. Several such societies are doing good work in the state. On the other hand numerous irresponsible agencies are attempting to do such work with insufficient funds and in some cases, from mercenary motives. The result is that children are often placed in improper homes and cases have been found where children were actually being exploited or were growing up in the most evil surroundings after having received, at one time, the attention of some one of the child-caring agencies. The present state law provides for state supervision, but owing to its ambiguity and to the fact that no adequate appropriations have ever been made, these organizations have not been properly investigated, supervised or regulated.

(2) The law in Nebraska permits children to be cared for in poorhouses and a few children are still found in such institutions. This is believed to be unnecessary with the large number of children's homes and of private homes in which children could be placed under normal environments.



(3) There are two state institutions caring for dependent children, the Nebraska home for dependent children at Lincoln, and the industrial home for women at Milford, which latter provides temporary care for unmarried mothers at the time of childbirth and in many cases finds homes for the children born there. The work of finding homes for these children as well as of investigating homes to which children from the state industrial schools may be placed on parole should be centralized in order that greater specialization may be permitted and the expense of visiting and investigating homes be reduced to a minimum. At present the state employs no visitor or investigator to follow up children that are placed out from state institutions except the agent of the state home for dependent children.

(4) There are unmarried mothers who have no means of support and no friends to care for them in confinement and who through ignorance or prejudice refuse care in suitable institutions. Nebraska is unique in having a state institution established especially for the care of unmarried mothers at the time of confinement, requiring their residence in this institution for one year and providing for their training in industrial and domestic arts. The commission is of the opinion that in cases where unmarried mothers who have no other proper means of caring for themselves refuse to enter voluntarily the state institution, and where it appears likely that the child will be neglected as a result, such women should be committed to the state institution.

(5) The state has a good law relating to mothers' pensions but there are certain restrictions which, after two years experience, have been found to interfere with its effectiveness.

In order to remedy the conditions above referred to and to harmonize and improve the existing legislation on the subject, the commission recommends the following measures:

(1) The enlargement of the state child welfare bureau particularly to cover the needs of dependent children. The details of this reorganization are given in Part Five of this summary and in bill 52 (page 226). In this bureau will be

a division of child-placing, probation and parole which will centralize all work of visiting and investigating homes in which children are placed either by the state institutions or by private organizations.

(2) An amendment to the law regulating the Nebraska home for dependent children (Bill 4, page 78). This provides for the transferring of the work of placing-out dependent children from the state institution to the state child welfare bureau.

(3) An amendment to the law creating the Milford home (Bill 5, page 80). This bill restates the purposes of the state industrial home and provides that mothers receiving its care shall be encouraged to keep their children, but in case they surrender them to the state such children shall be committed to the state home for dependent children to be placed out by the child welfare bureau. This bill also permits the state industrial home to receive unmarried mothers committed to it for care.

(4) An amendment to those sections of the statutes relating to children in poorhouses (Bill 6, page 82). This prohibits the keeping of children in poorhouses, provides for their relief and care elsewhere, and forbids the admission of pregnant women for care in such institutions.

(5) An amendment to the mothers' pension law (Bill 7, page 83). This raises the age of children who may receive the benefits of the pension from fourteen to sixteen, increases the total amount which one family may receive from \$50 to \$75, and reduces the length of residence required in the county from two years to one year. The present law prevents any mother from receiving the benefits of the act if she has relatives who are legally liable for the support of the children, and the bill strikes out this restriction because it has been found unworkable.

(6) A bill for the regulation of child-caring organizations (Bill 8, page 86). It is proposed that the present law be repealed and that a new law, which is based upon a Minnesota statute, be enacted. In the preparation of this bill the commission has made every effort to secure the best advice and

to have the co-operation of the private child-placing organizations of the state. Numerous conferences have been held with the representatives of these organizations and the original proposal has been amended several times to meet their objections.

In addition to the above measures dealing directly with dependent and neglected children, the commission has included in other bills, certain provisions affecting incidentally this class. The bills relating to the juvenile court (Bill 12, page 95) and to the court of domestic relations (Bill 13, page 112) have important sections providing for the care of such children. Bills have been approved by the commission relating to maternity homes (Bill 28, page 169) and to private boarding homes for children (Bill 29, page 175). There are also proposed an amendment to the present law on abandonment and non supportt (Bills 36 and 37, pages 196, 197); a bill relating to children born out of wedlock (Bill 45, page 210); a bill providing for the process of commitment in cases where unmarried mothers refuse to accept care in proper institutions (Bill 47, page ...); and amendments to the law relating to adoption and guardianship (Bills 50 and 51, pages 222, 225).

In closing this part of the report, the commission deems it advisable to call attention to certain conditions and certain policies regarding the treatment of dependent children by the county authorities which are not matters for legislation at least at the present time, but in which it is suggested that a change in the administration of the laws by county attorneys, judges and those administering the county relief funds might be beneficial.

The commission is unanimously of the opinion that the best place for the normal child is in a normal family home. When homes are broken up by death or separation of the parents, or when, through neglect or incapacity, the children become proper subjects for disposition by the courts or for care by the relief authorities, it is desirable that all possible means should be used to keep these children in family homes rather than commit them to any institution. It has been found that in many cases the county commis-



sioners in administering relief, and the juvenile courts in administering the mothers' pension law are parsimonious in their provision for mothers with dependent children. There has been a tendency to a short sighted economy on the part of these officials which, while temporarily conserving the funds of the county, has resulted in children growing up in these homes poorly fed, poorly clothed and consequently with the greatest tendency to become dependents or delinquents; or on the other hand this policy has resulted in the separation of children from their parents for no other reason than that of poverty. Cases have been discovered where dependent children not charged with any misconduct have been committed to the state industrial schools apparently because the county authorities were not willing to provide the funds which were necessary to maintain the families in which these children were found. The commission is of the opinion that it is cheaper to grant adequate support for such families either by a mother's pension or by temporary relief, than to commit such children to any public or private institution. It is also more humane and makes for better citizenship.

There are cases where it is necessary to provide institutional care for children whose homes are temporarily disrupted. The present law provides that such children may be placed in the state home on condition that a reasonable rate be paid for their board. We find there has been a tendency on the part of some counties to refuse to pay these charges, thereby working a hardship upon families and sometimes forcing the permanent separation of children from their parents. We recommend that county authorities avail themselves of the facilities of the state institution. With these provisions by state and county it is possible to afford either temporary or permanent support for every dependent child in the state.

In addition to these public agencies there are numerous private organizations providing excellent care for children. The commission, however, is satisfied that there is no need at the present time for further extension of institutional care for dependent children.. The prime need is for greater

effort to conserve the natural home and to place in families, children who have not proper homes. To this end we recommend the strengthening and broadening of the state's system for caring for children rather than for the multiplying of private agencies.

### (c) DELINQUENT CHILDREN.

A marked increase in juvenile delinquency since the war has been reported generally throughout the country. In Nebraska in the largest two cities the juvenile court records show that the cases of delinquency have greatly increased during the past two years. In other parts of the state the records are not uniform, some counties reporting an increase, others reporting no change and the majority furnishing no information.

Where complete records have been kept the increase in juvenile delinquency becomes apparent, while in other places, a like increase probably has occurred but is not noted. Where the juvenile court has not functioned adequately the minor delinquencies have been ignored and no attention has been paid to the offender until a serious crime has been committed. This may account for the fact that while the reports of the majority of juvenile courts show no increase in their work, the number of commitments to the penitentiary in the last two years has practically doubled.

So far as the commission has been able to ascertain, the methods of dealing with juvenile delinquency in the majority of the counties have not kept pace with the development of the juvenile court. There is still a tendency to ignore the conditions which naturally lead to anti-social conduct among children, to pay very little attention to prevention, to deal with the child only when some crime has been committed and then in the same manner as with an adult law breaker.

The experience of communities which have long made use of preventive measures, shows that such methods are effective. An illustration of this is found in a comparison of the records of the juvenile courts of Chicago with those of other such courts of Illinois. The first juvenile court was



established in Chicago and it is now one of the best equipped courts in the country. Probation service and means for the study and classification of delinquent children, are much more adequate than in the other courts of the state. A report of the Federal Children's Bureau (Bureau publication No. 65) shows that among 3,007 cases in the Chicago court 45 per cent were placed on probation and only 25.5 per cent committed to institutions, while of 974 cases in other courts of the state only 28 per cent were placed on probation and 46.9 per cent were committed. This shows that through probationary oversight it was possible to strengthen the home and keep children in their own families instead of in penal institutions.

Besides the juvenile court the state's facilities for caring for juvenile offenders include the industrial schools for boys at Kearney and for girls at Geneva. Both these institutions are overcrowded; and at each, additional cottages should be provided to permit better classification, so that the younger children may not be brought in contact with the older and more wayward. Furthermore, in order that these institutions may accomplish their real purpose, the state must provide adequate compensation to secure a sufficient number of properly trained teachers and assistants.

There has been no appropriation in the past for the employment of parole officers from either of these institutions and this work has fallen entirely upon the superintendents. With the multitude of administrative duties devolving upon them, it has been impossible for them to give adequate attention to the finding of proper homes to which children may be paroled or to the visiting and necessary "follow-up" work.

The state reformatory for women at York also receives delinquent girls of the age of fifteen years or over. This institution cares for those only who are committed as misdemeanants, that is, those whose terms may not exceed ninety days. It serves almost exclusively as a reformatory for sex offenders. A large percentage of these girls are suffering from venereal diseases, and the law directs that, under rules made by the board of health, such inmates shall

be detained in the institution until they are pronounced free from disease in an infectious state.

Many of the girls committed to this institution are found to be mentally sub-normal. Experience in all institutions for delinquent women and girls indicates that such inmates are largely of the moron class and that their unfortunate condition is due to their mental incapacity, their inherited weakness, and to social conditions which make them victims of the vicious elements of society. To allow these defectives to return to society as soon as their physical health permits, and in many cases, to the same life they were living before is a short-sighted policy.

To remedy the conditions in the preceding paragraphs the commission recommends legislation as follows:

(1) An amendment to the law regulating the state industrial school for boys at Kearney (Bill 9, page 91). The purpose of this amendment is to make the statute harmonize with the juvenile court law, repealing a number of obsolete sections; to provide for the employment of a field agent to investigate homes where boys are placed on parole; and further to provide that when the state child welfare bureau has created a staff for the visitation and "follow-up" work for children placed out from state institutions, the board of control shall delegate this work to the bureau which shall then act as its agent.

(2) An amendment to the law regulating the girls' industrial school at Geneva (Bill 10, page 92) with the same purpose as Bill 9. These two amendments, together with the amendments to the laws regulating the Nebraska home for dependent children and the state industrial home at Milford mentioned above, will centralize in the state child welfare bureau the placing and visitation of such children in families.

(3) An amendment to the law creating the state reformatory for women at York (Bill 11, page 93). The purpose of this amendment is to provide that all girls committed to the institution shall be given the standard tests for mental development, and that those who are found to be feeble-minded shall be brought before the proper court

for a determination of their mental status. They may then be committed to the state board of control with power either to detain them at the reformatory at York or to transfer them to the state institution for feeble-minded. It is recommended that the board of control be given this power for the reason that many of these cases present especially difficult problems of discipline and should be colonized in the institution for delinquents.

In addition to the above specified recommendations relating to institutions for the delinquent, the commission proposes elsewhere in this report several other measures which will help to prevent juvenile delinquency. The amendments to the compulsory education law and the child labor law will tend to keep in school children who are not employed and to prevent the employment of children in harmful occupations. An important measure (Bill 32, page 182) provides for the state inspection and regulation of motion pictures. It is a fact very generally recognized by juvenile court officials that many children receive from such pictures the suggestion which leads to acts of delinquency and it is believed that this law, by eliminating the immoral and criminal from such exhibitions, will protect children from vicious influences at the most susceptible age in life. Important bills (Bills 40, 41, 42, 43 and 44, pages 201-210) relate to sex crimes. It is expected that their enactment will greatly increase the protection to young girls. The bill enlarging the state child welfare bureau (Bill 52, page 226) provides an officer whose duty it will be to co-operate with the juvenile courts and probation officers. With such co-operation it is hoped that much better methods of dealing with unfortunate children may be developed throughout the state.

#### (d) COURTS AND GENERAL PROVISIONS.

In the preceding paragraphs the conditions calling for the revision of the juvenile court law were discussed. Three members of the commission have had extensive experience as juvenile court judges. Further information and counsel have been secured through conferences at various places and by correspondence with every county and district judge and



probation officer in the state. The changes in the juvenile court law are the result of the experience of the members of the commission combined with the information and advice secured from these sources and also from a study of the workings of the juvenile courts of other states. The particular changes recommended and the reasons therefor are given in connection with the juvenile court bill (Bill 12, page 95).

In addition to the revised juvenile court law, the commission recommends the creation of courts of domestic relations in Lancaster and Douglas counties. The reasons and the explanation of this bill are given in connection with the bill itself (Bill 13, page 112). The commission also recommends slight amendments to existing statutes as follows:

Bill 14, page 118, amending the law governing the appointment of probation officers; Bill 15, page 121, amending the phraseology of the section of the statutes relating to neglected children and Bill 16, page 122, repealing obsolete sections of the statutes.

## II. EDUCATION AND CHILD LABOR.

The committee on education and child labor has had to deal with two distinct subjects: education, and women and children in industry.

### (a) EDUCATION.

Investigations have revealed startling inequality in educational opportunities in different parts of the state. According to the reports of county superintendents in 1919-20, out of 7,112 school districts of the state, 2,658 maintained school for nine months, 2,467 for from eight to nine months, 1,502 for from four to eight months, 266 less than four months and 214 reported no school. A tabulation of these reports for 1917-18 made by Mr. T. V. Goodrich showed that 16,000 children lived in districts which enrolled less than 40 per cent of the children of school age. More than 22,000 children lived in districts where the average attendance per census pupil was less than 40 days in a year. More than 7,000 children lived in counties where the assessed valuation per census child was less than \$800. On



the other hand more than 14,000 children lived in counties where the valuation was \$2,000 or more per child. These discrepancies, of course, would be greatly increased if the assessed valuation per child in individual districts were shown.

According to Statistics of State School Systems, (p. 14) published by the Federal bureau of education in 1920, Nebraska stands 25th among the states according to the length of school term provided, with an average length of term in Nebraska of 165 days. In many of the districts of Nebraska the income from taxation is insufficient to maintain school even four months in the year.

To meet the inequalities in school opportunities due to differences in wealth and in density of population, it has been recommended by many educators that a large portion of the funds necessary for the maintenance of the public schools be raised by a state tax. In many states a considerable proportion of the funds for the support of schools is thus raised: in Montana, over 50 per cent; in Kentucky, 44 per cent; in Maine, 43 per cent; in New Jersey, 42 per cent; and in Texas, 34 per cent. In Nebraska, there is no state wide tax for schools. Nineteen per cent of their entire support comes from the state fund derived from the sale and income from school land and from fines, etc., and 81 per cent of all the expenditures for school purposes are derived from local taxation. The commission, after carefully considering the proposal to equalize the burdens of school support by state tax, concluded that it would be unwise at present to undertake such a measure. **The commission, however, approves the principle of the state school tax and recommends that it be made part of the program for the future development of the school system of the state.**

Another recommendation which has received wide spread approval among educators not only in Nebraska but in other states, in many of which it has been put in practice is the establishment of the county, in place of the local district, as the unit of taxation and administration. There is no doubt that a county tax, and the organization of the schools in such a way that the larger portion of the adminis

trative control should be with the county unit, rather than the district, would improve the efficiency of the school system of Nebraska and tend to equalize the burdens of support. The commission has not felt, however, that this could be recommended for immediate adoption as a legislative measure. This proposal should be considered as a part of the future educational program in the development of the state.

In dealing with the problem of compulsory education, the commission has had in mind particularly the problem of the rural schools. The present laws make school attendance compulsory upon all children in city schools, except where work permits are granted, up to the age of sixteen years. This law does not apply to rural schools. Acting upon the theory that all children of the state are equally entitled to educational opportunities, the commission has provided in its educational proposals that the compulsory education bills should apply uniformly throughout the state.

Exception is also made in the present school laws for children between fourteen and sixteen years of age, who find it necessary to be employed in order to support themselves and their parents. Here again the commission has held to the belief that children of poor parents are equally entitled to the advantages of schooling with those who are better off financially and has recommended proposals doing away with work permits and requiring school attendance uniformly up to sixteen years of age, and providing aid in the form of scholarships payable out of school funds for children in need of such aid.

#### BILLS RECOMMENDED.

The commission has recommended five important bills:

(1) An amendment to the compulsory education law (Bill 17, page 123).

This requires all children seven to sixteen years of age to attend school regularly while the public schools of their district are in session, unless they have graduated from the public school of their district or a school of equal grade. Children sixteen to eighteen years of age, who have not graduated as above stated, must attend unless regularly

employed at home or elsewhere, and if so employed, must attend a continuation school eight hours a week if such school is maintained in their district. Exceptions are made for children living over three miles from a school, and for children mentally or physically incapacitated. Children fourteen to sixteen, whose earnings are needed at home may be granted scholarships not to exceed \$20 per month.

An important feature of this law is the provision for administration and enforcement. The bill prescribes that every city school district of 5,000 population or over shall appoint attendance officers. In every county there shall be a county attendance officer to enforce the law outside of city school districts. There is a provision that wherever there are county superintendents of child welfare they may act as county attendance officers, (Bill 53, page 230.

For the state administration and supervision of this act, the bill provides that the state superintendent of public instruction shall enforce the law in all the counties of the state and may appoint such assistants in his office as are necessary for the purpose. The commission here recommends that sufficient appropriation be made in the budget for the state superintendent's office to provide for the enforcement of this provision.

(2) An amendment to the continuation school law, (Bill 18, page 134) to make it correspond with the compulsory education law.

(3) An amendment to the law fixing the length of school term, and providing state aid for weak districts, (Bill 19, page 136). The bill requires that all districts having ten or more children of compulsory school age shall maintain school at least nine months, and that districts having less than ten children shall maintain school at least six months in the year, with the exception that in districts having less than five children the school funds may be used to pay the expenses of such children while attending school in other districts. For the support of the schools as herein required the districts may levy a tax of not to exceed forty mills. The bill further fixes the amount which shall be considered necessary to maintain school as follows: in districts having



ten or more pupils, \$1,000; in districts having five and less than ten pupils, \$700; and in districts having less than five pupils, \$120 for each. In all districts where a tax of forty mills on the assessed valuation of the property in the district produces less than the amount necessary, the state shall appropriate the sum required to make up the deficit. To carry out the purposes of this bill the commission recommends an appropriation of \$200,000 for the biennium, basing its computation of the required amount on an estimate of the assessed valuation for 1920.

(4) An amendment to the statute limiting the amount of school tax that may be levied in the smaller districts. The bill recommended provides that this maximum be raised from 35 mills to 40 mills on the assessed valuation (Bill 20 page 141).

(5) A new school health law (Bill 21, page ..... ) to take the place of the present law for the physical examination of school children. At present the teachers are required to make an examination for certain physical defects. School health work is much broader than the discovery and treatment of physical defects. It includes the inculcation of health habits, instruction in hygiene, sanitation and physical education. The bill recommended provides that each district, by itself or in conjunction with other districts, shall provide for the examination of every child by a registered nurse or a licensed physician. It also provides for instruction in matters affecting health. State supervision is afforded by the creation of the office of state school health director in the department of public instruction. The director shall be a licensed physician with at least two years experience in school health work. Much discussion has arisen as to the proper place in which the state supervision of this work should be established. Good arguments have been presented for locating it in the state bureau of health and in the state child welfare bureau, as well as in the state department of public instruction. The commission after hearing from all sides and conferring with both physicians and educators decided to recommend that this function be placed in the state department of public instruction for the following reasons:



(1) School health work being primarily a matter of instruction and the inculcation of health habits among children its supervision, from the top down, should be placed in the hands of educators.

(2) For local administration there is very little machinery developed in public health work, while in the schools the district boards, the city and county superintendents, with school physicians and nurses in many districts constitute a working organization and this can be much better supervised in its health activities by the same state authority which has general supervision over it than by any other department.

(3) The experience of many progressive states confirms this, nineteen of the states having placed the state supervision of school health work in the department of public instruction.

(4) Transferring this function to the department of public instruction will cause no duplication of machinery as the present law makes no appropriation and provides no special machinery for state supervision.

For the purpose of securing the proper administration of this law, the commission recommends the appropriation of \$10,000 for the biennium, to be included in the budget for the state department of public instruction.

#### (b) WOMEN AND CHILDREN IN INDUSTRY.

##### (i) *Women in Industry.*

The employment of women in industry is a subject for child welfare legislation for two reasons: First, a large percentage of females employed are minors and therefore a subject of concern for those who are legislating for all children under twenty-one years of age; Second, the conditions of employment for women during the child-bearing period have a great influence on the health and well-being of children born to them.

The commission therefore recommends the following legislation:

(1) A law limiting the hours of labor for women in industry to 9 hours per day, 54 hours per week, and prohibiting employment after 10 o'clock p. m., (Bill 22, page .....).

(2) A bill prohibiting the employment of women immediately before and after childbirth (Bill 23, page 147).

(3) A bill to provide for a minimum wage commission to regulate the wages of women and children (Bill 24, page 148 and Bill 25, page 148).

(ii) *Children in Industry.*

(Bill 26, page 158, and bill 27, page 167.)

In 1907, a wise and far-sighted legislature enacted a child labor law which is, substantially, the present statute. It thereby recognized the duty of the state to protect its children against exploitation in industry and to prevent the problems arising from the development of manufacturing within its borders. Sceptics scoffed at the idea of a non-industrial, rural state enacting a child labor statute; and yet, when the government began prosecutions for violation of the federal child labor law in 1917, a Nebraska village with a small factory earned the doubtful honor of being the first locality to fall victim to the government's vigilance. Like older states, our manufacturing establishments are increasing, our population is trending strongly toward the larger centers, and we are more and more approximating conditions in older communities. Already the beet-field problem has grown to such an extent that it challenges regulation. Immigrant children of eight years and over, by the hundreds, are worked long hours during the busy seasons, are deprived of three or four months of schooling during the year, and are subjected to housing conditions that would shame an industrial center. Such facts, apparent to the most superficial observer, forbid consideration of any weakening of the law, and urge, at the very least, a better enforcement of the present statute.

It ought not to be necessary to state that the purpose of a child labor law is not to prevent children from working, and yet the mistaken claim is sometimes made that it does prevent children "from working even in their own homes." The strongest advocates of child labor legislation recognize the place that work occupies in the education and development of character of the individual; but they insist that,

to fulfill its purpose in the life of the young child, work must be as carefully supervised as study and as closely guarded from evil as play. The haphazard training which commercialized employment affords the child will never produce right work habits; these must be formed earlier in the home and may be further developed in organized industry only through a regularly supervised system of apprenticeship.

The history of child protection shows a gradual extension of the period of childhood by requiring, through the years, a higher age for compulsory education, and a corresponding increase in the age at which children enter gainful employment. The latest expression of this tendency is shown by the International Conference on Child Welfare held in Washington in June 1919, under the auspices of the Federal Children's Bureau. This conference agreed upon what is known as Minimum Standards of Child Welfare, which so far as they relate to child labor are as follows:

“An age minimum of sixteen for employment in any occupation, except that children between fourteen and sixteen may be employed in agricultural and domestic service during vacation periods until schools are continuous throughout the year.

“An age minimum of eighteen for employment in and about mines and quarries.

“An age minimum of 21 for girls employed as messengers for telegraph and messenger companies.

“Prohibition of the employment of minors in dangerous, unhealthy or hazardous occupations or at any work which will retard their proper physical and moral development.”

The Nebraska commission has not attempted to attain the ideals set up by this body of experts, but has been content to bring the child labor bill up to the requirements laid down in the compulsory education bill, placing its main emphasis upon the administration and enforcement of the law.

The best child labor law is a good compulsory education law and, in part, is merely a negative statement of the section relating to school attendance. With the exception



of pupils who have finished the school maintained in their district, the compulsory education bill (Bill 17, page 123) requires children to attend school until sixteen years of age; the child labor bill prohibits children under sixteen from being employed at any occupation during the hours that school is in session.

At present, exception is made for children between fourteen and sixteen who, on account of poverty, are obliged to leave school; and work permits are granted to them. The compulsory education bill provides that to such a child the school board may grant a scholarship not to exceed \$20 a month; and the child labor bill eliminates work permits for this group.

The second function of child labor legislation is to protect children from the hazards to health and morals which are inherent in certain occupations and, to accomplish this, the law enumerates a list of prohibited occupations for children of various ages. The proposed bill raises the age from fourteen to sixteen for employment in such places as theaters, hotels, passenger elevators and delivery service. Children between fourteen and sixteen are allowed to work in stores, offices and factories, upon securing a permit from the school authorities; but under fourteen such employment is prohibited. Children under twelve may not be employed in the beet-fields, and under fourteen they are not permitted to work more than six hours a day.

The question is sometimes raised by the friends of child labor whether it is not possible to allow greater freedom in the administration of the law, so that individual establishments in the prohibited list might be excepted. There are, admittedly, difficulties involved in the classification of industries into harmful and harmless occupations; but it is the same difficulty which faces every attempt at legislation. No occupation is universally bad and none is universally good; but all that the law can do is to generalize. If the administration of the statute is left flexible, it means either a great increase in the amount of machinery necessary to enforce the law, or an utter ignoring of the statute. The very officials who desire to make exceptions in favor of an



admittedly harmless place of business refuse positively to assume responsibility for deciding against an admittedly harmful establishment. The only possible course here seems to be that followed in other legislation—to make the law specific and to enforce it alike everywhere.

The administration of the law needs to be greatly strengthened. With the approval of the department of labor, the commission recommends that the administration of the law be transferred to the child welfare bureau where it seems wise and economical to concentrate as many of the state's activities for children as possible. Only one full-time inspector and one for part-time are asked for the work in the entire state, but it is believed that with the co-operation of the school authorities who enforce the law locally, this meagre staff will greatly improve the administration and enforcement of the law (Bill 26, page 158).

In connection with the child labor bill, the commission has recommended a bill prohibiting the employment of children under twelve years of age in street trades and regulating the employment of children from twelve to sixteen years of age therein. In the preparation of this bill the commission has been in conference with the representatives of all the larger newspapers in the state, the sale of whose dailies in the cities of the state, furnishes the principal occupation of the newsboys, who are chiefly affected by the bill. In these conferences there has been a practical unanimity of opinion that the occupation of the newsboy should not be allowed to interfere with his regular attendance in school and that the occupation should be restricted to boys at least twelve years of age and that certain restrictions are desirable for the protection of boys from twelve to sixteen years of age (Bill 27, page 167).

### III. HEALTH AND RECREATION.

The committee on health and recreation, like the committee on education and child labor, has had to deal with two distinct subjects and has "carried on" as two independent sub-committees, one studying public health and the other certain problems of public and commercialized recreation.

### (a) HEALTH MEASURES.

Public health work is an important phase of child welfare. Since the beginning of the war, the struggle to conserve child life through the promotion of health, the eradication of physical defect, and the extension of public education along these lines has become nation-wide. More than twenty states have established child hygiene departments. The Children's Bureau of the Federal Department of Labor is actively furthering this cause; and there is now pending in congress legislation to promote child hygiene and prenatal care. The movement has taken definite form in the Sheppard-Towner bill which was passed by the senate December 18th. As amended, this bill provides for the distribution of \$1,500,000 for the promotion of nursing and medical care for women at child-birth. In Nebraska in 1919, there were reported to the state bureau of health 26,640 births, and 1,692 deaths of children under one year of age. The Federal Children's Bureau estimates that there are annually 300,000 deaths of children under one year of age, and that of these 150,000 are from preventable causes.

The state bureau of health has plans for the creation of new divisions in the bureau which will provide instruction and care for children of pre-school age and for women at the time of child-birth.

The commission recommends that such appropriations be made for this purpose as will make it possible to do effective work throughout the state and especially to improve the provisions for proper nursing and medical care for women and children in the more sparsely populated sections. These appropriations should be made to conform with the requirements of the Sheppard-Towner bill so that the Federal appropriation may be available in Nebraska if that bill becomes a law.

The following legislation is recommended by the commission:

(1) A bill for the state regulation and licensing of maternity homes (Bill 28, page 169).

(2) A bill for the state regulation and licensing of boarding homes for children under five years of age (Bill 29, page 175).

(3) A bill to license and regulate the practice of midwifery (Bill 30, page 179).

There is very great necessity for strict regulation of maternity homes. Private commercialized institutions of this kind frequently prey upon the ignorance and weakness particularly of unmarried mothers. Women received into these homes are often charged not only for their care in the institution during confinement but for placing their children. There is no justification for the latter charge, as the state, through the home for dependent children, provides for the placing in family homes of all such children who are surrendered by their parents. A similar service is rendered by a number of reputable child-placing organizations. Private maternity homes, however, are able to exploit mothers of unfiliated children through the promise of secrecy and in this way children may be placed out covertly by irresponsible persons, and many cases have been found where such children were given away to families with pauper or criminal records.

The licensing of midwives has been opposed by some members of the medical profession as being a step backward and lowering the standards of care required for women and children at a time when the best of care is needed. This measure is recommended, however, for the reason that in spite of all prohibitions it has been acknowledged to be impossible to do away with the midwife. Particularly would this be true in the larger cities where a considerable percentage of the number of births, especially in immigrant families, are attended by midwives, and where midwives are recognized by the local health department and are allowed to report births to the state bureau of health. The purpose of this proposal is not to promote the practice of midwifery, but to raise the standards gradually and by requiring higher and higher educational qualifications to reduce the number practicing and to improve the quality of service.

#### (b) RECREATION.

The commission recommends the following legislation affecting commercialized recreation.



(1) A minor bill amending the statute relating to billiard halls, making the same apply to pool halls (Bill 31, page 181).

(2) An important measure providing for a state board of inspection of motion pictures (Bill 32, page 182).

Public recreation and commercialized amusements bear directly upon child welfare. Recreation claims, perhaps, one-third of the waking hours of the average child. Its influence upon the development of mental and moral traits is probably greater than that of the schools. There is very little legislation and very little organized effort to promote what is called public recreation for children. A few of our cities, however, have made considerable progress in the development of parks, play grounds and social centers. The commission believes that very much more consideration should be given to the promotion of wholesome public recreation. It is not prepared to recommend any special legislation along this line but calls attention to the bill drawn by the committee on administration (Bill 53, page 230), in which there is a provision that county boards of welfare and county superintendents of welfare shall promote wholesome recreation. It is believed that when the importance of this bill for county boards of welfare is understood, every county will have a trained social worker who will be qualified to organize and promote measures for public recreation.

Since recreation has become so largely commercialized, society is as deeply interested in maintaining proper standards in that field as in sustaining good schools. The bill for county boards of welfare also contains a provision for the licensing and regulating of all forms of commercialized amusements outside of incorporated cities and towns. This will permit the regulation, control or suppression of pool halls, public dances, traveling shows, motion picture shows and theatres. Among these, travelling shows—particularly the street carnivals which visit many of the towns of the state—are especially in need of state regulation. Experience shows that these forms of entertainment are often most harmful; that they spread vice, immorality and social diseases in rural communities; and that local authorities are helpless to deal with



them. By placing the licensing of such forms of entertainment in a county office and under the general supervision of the state child welfare bureau, it is hoped that the worst features may be eliminated.

No plan for child life in Nebraska would be complete which did not take notice of the motion picture theatre (Bill 32, page 182). Reports on file with the commission from city school superintendents in all parts of the state indicate that from seventy-five to one-hundred per cent of the school children attend moving picture theatres from one to five times per week. The same reports state that from fifty to seventy-five per cent of the films shown are objectionable—many of them extremely objectionable. There has also come to the commission the appeal of many statewide organizations including Nebraska State Teacher's Association, Nebraska Woman's Educational Club, Nebraska Branch National Council Catholic Women, Nebraska League of Women Voters, Nebraska Federation of Women's Clubs, D. A. R., P. E. O., W. C. T. U., Nebraska Hygiene and Public Welfare Campaign, Nebraska Home Economics Association, Mothers-Teachers Clubs, Social Welfare Society, Lincoln Council of Churches, Y. M. C. A., Y. W. C. A., Lincoln Collegiate Alumnae Association, Social Service Club, Temple Bnai Jeshurun, in all representing over 500,000 people.

It is now generally recognized that the moving picture is one of the most powerful influences in our national life—more potent even than the printed page. Persons unable to read English can understand pictures. Good pictures are one of the most effective means of making good men and women. Bad pictures are today the most corrupting influence in our society. In many states strong demand has arisen for good wholesome moving picture entertainment and the suppression of vicious, immoral, crime inciting presentations.

Four states—Ohio, Pennsylvania, Kansas, Maryland—have legalized regulation of film pictures. Remarkable progress has been made. Theatre managers who wish to show a good class of films are supporting the movement. Censorship in these states has been more than self-supporting from the start. Nebraska has the right to protect her children from

the debasing films that are being driven from other states and secure for them clean, wholesome entertainment. This security will not cost the taxpayers a cent.

#### IV. GENERAL CHILD WELFARE.

The commission has recommended nineteen bills on general child welfare, grouped under the following heads:

(a) Marriage and divorce, (b) General laws for the protection of children, (c) Sex crimes, (d) Children born out of wedlock, (e) Guardianship and adoption.

##### (a) MARRIAGES AND DIVORCE.

One important bill revising the present marriage law (Bill 33, page 189) is recommended, and a minor amendment to the divorce law is proposed (Bill 34, page 195).

In the present marriage laws of the state there are practically no restrictions except such as have been found in the laws of all the states for many years. In recent years, with the increased knowledge of the effects of heredity upon mental and physical health and the new attitude toward social diseases, there has been a widespread movement in many of the states to prohibit the marriage of mentally and physically defective persons and of those affected with venereal diseases.

The number of divorces granted is rapidly increasing in Nebraska as in other parts of the country. In this state in 1919, there were 14,074 marriages and 3,359 divorces or a ratio of one divorce to four marriages. In Douglas county there were 2,743 marriages to 1,636 divorces, or more than half as many divorces as marriages. The divorce evil cannot be corrected to any great extent by changing the divorce laws. A study of the subject indicates that there is very little room for improvement in our divorce laws. On the other hand, it is found that a very large number of divorces are due to hasty and ill considered marriages,—the marriage of persons on too short acquaintance, of persons who are not adapted to each other, and of persons who are not fit to marry. The bill recommended contains restrictions raising the age at which persons may marry, requiring ten days interval between the application for, and the granting of a marriage

license, prohibiting the marriage of feeble-minded, and requiring for each applicant, a physician's certificate of freedom from venereal disease as a prerequisite to a marriage license. This bill has been the subject of discussion at a number of public conferences and received general approval. It is patterned largely after the legislation of a number of other states. It has been suggested by some that these restrictions in the marriage law will be evaded by migration to another state for the purpose of having the marriage performed. It appears, however, that these restrictions, or others possibly more severe, are being considered in many of the states, among others Iowa and Kansas, and that if Nebraska does not enact such legislation, it will be in the position of hindering progress along this line and interfering with the wholesome enforcement of such laws in neighboring states.

(b) GENERAL LAWS FOR THE PROTECTION OF CHILDREN.

Under this head there are recommendations for minor amendments to the following laws:

(1) A bill to increase the penalty for kidnapping (Bill 35, page 195).

(2) To amend the law in regard to abandonment of children (Bill 36, page 196).

(3) A bill to strengthen the law in regard to abandonment and non support of family (Bill 37, page 197).

(4) An amendment to the law prohibiting advertising cures for venereal disease (Bill 38, page 199).

(5) A bill to amend the law regulating the sale of poisons (Bill 39, page 200).

(c) SEX CRIMES.

Five important laws are recommended under this head. The commission calls attention to the fact that under the present law, forcible rape or the rape of a girl of tender years may receive a minimum penalty of only three years imprisonment, also to the fact that the crime of incest, even the violation of a daughter by her father, may be punished at present by any minimum term of imprisonment which the court sees fit to impose, as the statute fixes no minimum penalty. There are men now in the penitentiary serving a



sentence of but five years for rape upon a daughter under fifteen years of age. It may properly be noted that this is a fixed **not an indeterminate** sentence.

The following recommendations are made:

(1) An amendment of the law on rape (Bill 40, page 201), increasing the penalties—providing for life imprisonment for forcible rape or for rape of a girl under fourteen years of age.

(2) An amendment to the law on incest (Bill 41, page 202), providing for life imprisonment for rape of a daughter by her father and fixing a minimum penalty of five years for all cases of incest.

(3) An amendment strengthening the law on pandering (Bill 42, page 203).

(4) A new law on public morale (Bill 43, page 205).

- One of the principal purposes of this law is to apply to the subdivisions of a state the same restrictions which the crossing of the state line imposes in the Federal White Slave Law, making it a felony to transport a female for immoral purposes from one political subdivision to another, in the state.

The bill also makes it a felony for a husband to encourage or permit his wife to lead a life of prostitution; or for any person to levy tribute upon the earnings of a prostitute, or to detain a female in a house of prostitution because of any debts she has contracted; or for any person to debauch or deprave the morals of a boy under 21 years of age.

(5) A new law providing for the castration, in certain cases, of persons imprisoned for rape or assault to commit rape (Bill 44, page 208).

In regard to these laws affecting sex crimes, attention is again called to the importance of enforcing the laws for the protection of young girls. There is no doubt that sex crimes are very common. On the other hand prosecutions for such offenses are comparatively rare, for the reason that parents wish to shield their own children from publicity and refuse to prosecute. An illustration of this is contained in a report made by the county attorney of Lancaster county covering the year 1919. This report showed that there were 483 criminal prosecutions begun in that year. Of all these prose-



cutions there were only nine which could possibly be classified under the head of sex crimes.

The commission believes that its recommendation authorizing the judge to exclude the general public from hearings in the juvenile court will make possible the successful prosecution of a larger number of such cases. Then too, the creation of the office of county superintendent of child welfare, one of whose duties will be to represent the interests of children in all such cases, will tend to secure more prosecutions.

#### (d) CHILDREN BORN OUT OF WEDLOCK.

The commission recommends four important measures under this head:

(1) A new law repealing the ancient sections of the present statutes relating to bastardy (Bill 45, page 210). This law is the outcome of careful study by the commission of the recent movement throughout the country for the revision of the laws on this subject. During the past year conferences were held in Washington, New York and Chicago under the auspices of the Federal Children's Bureau, at which experts in law and administration were present from many states to discuss this legislation. The laws of most states on this subject have been changed but very little in the past fifty to one-hundred years, until the recent movement began. An important book has been published by the Federal Children's Bureau during the past year on "Illegitimacy Laws of the United States" in which Ernst Freund of the University of Chicago Law School, analyses the laws of the states and discusses the need of revision. During the past few years, progressive legislation has been adopted in Minnesota, North Dakota and several other states. The bill recommended, embodies what is considered the best in these recent laws and the results of the deliberations of the conferences of experts. The general purpose of the law is, as far as possible, to remove the stigma from the child born out of wedlock. One means to this end is the elimination of the words "bastard" and "illegitimate" from the statutes and the substitution of the terms "unfiliated child", "filiated child" and "filiation proceedings". Under the proposed law the process of establish-

ing the parenthood of the child is denominated "filiation proceedings" and the purpose of these proceedings is to place upon the actual father of such a child all the responsibilities for the support and education of the child, that he would have if the child were born in lawful wedlock.

(2) An amendment to the law regulating the inheritance of children born out of wedlock (Bill 46, page 216).

(3) A law making it a felony to desert a wife after marriage to escape prosecution (Bill 47, page 218).

(4) A new law by which the state in the fulfillment of its obligation to care for the welfare of the child may secure the commitment, in certain cases, of an unmarried mother to the state industrial home at Milford (Bill 48, page 218). This bill should be considered in connection with Bill 10.

#### (e) GUARDIANSHIP AND ADOPTION.

The commission recommends the following:

(1) An amendment to the present law, raising the age of majority for girls to twenty-one years (Bill 49, page 221).

(2) An amendment to the law on adoption, providing that the state child welfare bureau shall investigate all homes before children are allowed to be adopted into them (Bill 50, page 222).

(3) An amendment to the law on guardianship to provide that where either parent deserts or abandons a child, the other shall have the guardianship and be entitled to the custody and earnings of the child (Bill 51, page 225).

#### V. ADMINISTRATION AND LAW ENFORCEMENT.

Good legislation inadequately enforced is less effective than inadequate laws well enforced. Yet, through pressure of economy, legislatures constantly pass good laws without providing either machinery or funds for their administration.

The commission, early in its study of Nebraska laws relating to children, became convinced that the great need was not so much new legislation (it proposes few entirely new bills), but rather the bringing of existing laws up to meet present-day standards and demands, and, above all, the

strengthening of their administration and enforcement. Therefore the commission regards the two bills in this section as the most comprehensive of any proposed; and believes that their passage alone would greatly advance the whole program of child welfare within the state, for it would throw additional safeguards about children and would more generally secure to them the educational and other benefits provided by the state.

The commission has been concerned less with the form of administrative machinery than with the principles underlying the conduct of welfare work by the state. These principles are definite and fixed; the application of them must vary to suit local conditions. With this fact in mind, the commission early adopted the following statement of fundamental principles to which it has persistently held.

1. Tenure of office of directing officials should be made permanent.

(1) Successful work is impossible if the chief officials are removed with a change of administration every two years because: (a) Welfare programs can only be worked out slowly and they will suffer more than routine matters of state administration from frequent changes; (b) Personal acquaintance and cordial relationships are necessary factors in welfare work and frequent change of officials will limit the influence of these factors.

(2) Competent persons will be difficult to secure unless they can be assured terms of sufficient length to accomplish definite and worthy results.

2. Administrators of welfare laws should be trained social workers.

Social work is a profession; it has its technique as do law, medicine and teaching. The state can and should have the services of such trained officials in welfare work as well as experts in the attorney general's office or in the health or education departments. The merit system must be applied in fact, if not in name, to these officials.



3. Policies and program of welfare work should be based upon the deliberations of a group of persons informed and experienced in welfare work.

The value of and necessity for such advisory boards are recognized generally, and they are provided for in other states having or contemplating the civil administrative code.

In the application of these principles, the commission proposes two bills: one for a central agency in which the child welfare work of the state shall be centralized, and another for a local agency using the county as the unit of administration.

(1) STATE CHILD WELFARE BUREAU.  
(Bill 52, page 226.)

It was not necessary to create a new agency for state administration, since the legislature of 1919 established a child welfare bureau. The commission has simply made the existing bureau a clearing house for the administration of child welfare and has fitted it into the existing machinery of the state. The original law placed the bureau in the department of public instruction, and the commission does not consider this arrangement illogical. Several other states have their bureaus so placed; it puts the emphasis upon the educational and preventive phases of child welfare work; and it finds a local agency, the school, already organized in every locality, through which it might function. However, the Nebraska bureau has never actually been administered in this agency and the commission is not disturbing existing machinery by not locating it in the department of public instruction.

The form of administrative machinery favored by many social workers is a rotating board at the head of the agency, outlining the policies of the work and administering them through a trained executive selected for an indefinite term of service. Recent surveys of child welfare in Alabama, North Carolina, Oklahoma, and Kentucky recommended this form of machinery; and the State Department of Child Welfare in Alabama and the State Department of Public Welfare in



North Carolina, established as the result of these surveys, are outstanding examples of successful state administration of welfare work. The commission did not recommend such a plan for Nebraska, however, (1) because, to fit the scheme into our civil administrative code, the commission would have been obliged to go outside our field and recommend a board of **public** welfare at the head of that department with a bureau of **child** welfare under it, and (2) because there are probably constitutional difficulties in the way of applying this plan in Nebraska.

The board of control offers the most convenient agency in Nebraska through which to apply the principles laid down by the commission, and at one time it was decided to recommend a bill placing the child welfare bureau in this executive department. The commission was influenced in this decision by the following facts:

(1) Boards of control are the result of a struggle in the various states, lasting a quarter of a century, to rescue state charitable and reformatory institutions from the uncertainties and inefficiencies of political changes; and they represent, today, perhaps more than any other department of government, the ideals of state administration of welfare work.

(2) They are the agency most closely concerned with the great class of handicapped children which has occupied so largely the attention of the commission. While the location of the bureau here would place the emphasis in child welfare upon the care and cure of the unfortunate, rather than upon the prevention of their problems and education for normal life, the one feature of the program is as essential as the other.

(3) The Minnesota child welfare bureau, placed under the board of control on recommendation of their child welfare commission, has set a precedent for effective work which it is believed might be duplicated in Nebraska.

However, the plan finally agreed upon (Bill 52, page 226) was to leave the child welfare bureau in the department of public welfare and to apply the principles of administration of welfare work as follows:

(1) Tenure of office:

Director to be appointed for six years instead of two, as at present; removable only for causes specified.

(2) Trained service

The bill enumerates the qualifications of the director, and makes it a duty of the child welfare council to canvass the field and nominate at least two properly qualified persons, one of whom shall be appointed by the head of the department as the constitution requires.

The commission thus applies in fact, if not in name, the principle of civil service; and expresses its approval of an adequate civil service bill, should one be introduced.

(3) Non-executive body of experienced social workers to advise with and assist the bureau in developing policies and program.

Child Welfare Council—Seven members:

Five appointed by governor for six year overlapping terms; not more than two women, nor more than two members from any one congressional district. Superintendent of public instruction and one member of board of control, *ex officio*.

In addition to nominating persons for director of the bureau, this council nominates, in a similar manner, members of the bureau of inspectors of motion pictures (Bill 32, page .....). One of the important functions of this council would be to educate the public as to the needs of child welfare and to create a demand for the adequate support of the bureau.

The commission has sought to make the bureau a clearing house for all child welfare matters not now sufficiently provided for in other state departments, believing that less duplication and more effective co-ordination of work could thus be accomplished. Duties assigned to the department of public welfare by the civil administrative code and now definitely placed upon the bureau are the investigating and

licensing of all child-placing organizations (Bill 8) of maternity homes (Bill 28) and of boarding homes for children under five years (Bill 29). Since 1901, the law has required supervision of these agencies, but has never made adequate provision for its administration. The bureau will supplement the work of the board of control by doing the "follow-up" work connected with the state's wards after they leave the institutions; such as child-placing for the state home for dependent children (Bill 4) and for the state industrial home at Milford (Bill 5); and supervision of paroled children from the industrial schools (Bills 9 and 10) and to some extent from the institution for feeble-minded. The bureau is required to co-operate with and aid juvenile courts and probation officers (Bills 7 and 12) to make investigations in case of adoptions (Bill 50) to enforce the child labor law (Bill 22); and to co-operate with the county boards of child welfare in securing local administration (Bill 53).

The commission recommends the addition of four trained visitors for the work of child-placing and parole; one full time and one part time inspector for child labor enforcement, and three office assistants; and that an appropriation of \$53,160 be made for the biennium.

## (2) COUNTY BOARDS OF CHILD WELFARE. (Bill 53, page 230.)

The application of the principles laid down by the commission was much less difficult with respect to local enforcement than to state administration. The county was considered the logical unit because it accords with the local administration of health, agriculture, education and public relief, and because private social agencies, such as the Red Cross, employ the county unit.

The movement for public boards for the administration of welfare work in local communities first took definite form in the creation of the board of public welfare in Kansas City, Missouri, in 1911. The success of the board in a rapidly growing and progressive city led to rapid growth of sentiment, particularly in Missouri and Kansas, in favor of city boards of public welfare and many cities throughout the country now



have such boards. In Nebraska, Omaha has a public welfare board with a staff of salaried officials; while York and several other towns have boards of welfare without paid workers.

County boards of welfare were recommended by the Missouri children's code commission in 1917. The following year North Carolina established boards of public welfare in each county, and Minnesota created county boards of child welfare in each county through a law enacted on the recommendation of the child welfare commission. Movements are on foot now for the enactment of similar legislation in Kansas and Iowa: In Indiana the same purposes have been served in part, for more than twenty years, by the county boards of children's guardians.

In Nebraska, the war brought out the need of social welfare organization in all the counties of the state. The Red Cross in its work for soldiers' families, and in its peace time program which is being realized in some of the counties of the state is educating the people to the possibilities of such work.

At the last meeting of the state conference of social work, and in all the conferences and the correspondence of the children's code commission, the need most emphasized by social workers, teachers and others in touch with child welfare conditions in all parts of the state, has been that of trained social workers in every county such as the development of county boards of welfare would eventually provide.

The bill recommended creates a board of child welfare in every county, to be made up of the county superintendent of schools, one member of the board of county commissioners or supervisors and three persons appointed by the judge of the juvenile court for three year overlapping terms, selected for their knowledge, experience and interest in children, and serving without compensation.

Whether the county shall employ a paid agent, known as the county superintendent of child welfare or not, is left to be determined by the county board of child welfare and the county commissioners. This permits elasticity in the application of the law and provides for the extension of its operations only so fast as the community feels its need and trained



workers can be secured. It is presumed that in some of the larger counties, several trained workers will be provided in the near future and that in many counties a superintendent of child welfare will be appointed. In any case the county board of child welfare, with or without a paid superintendent, will provide a central agency in every county through which all matters of child welfare interest may be administered. It will combine the work of juvenile probation officers, investigators for mothers' pensions, and investigators on behalf of the state of all divorce cases where the welfare of children is involved. County superintendents of child welfare may act as school attendance officers, and enforce the child labor laws. The board will also serve as a bureau for co-ordinating the work of all private welfare organizations, and act as the representative of the state child welfare bureau in all counties of the state.

PART THREE

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APPROPRIATIONS RECOMMENDED AS NECESSARY TO  
CARRY OUT THE PURPOSES OF THE  
LEGISLATION OUTLINED.

IN THE BUDGET OF THE DEPARTMENT OF PUBLIC  
WELFARE.

FOR THE CHILD WELFARE BUREAU.

(See bill 52)

For the Biennium.

1. Salary of Director .....	\$ 6,000
One clerk .....	3,000
One stenographer .....	2,040
Traveling expenses of director .....	1,600
2. Probation, parole and child-placing:	
Head of division, salary .....	3,600
Three visitors, \$3,000 each .....	9,000
Parole officer .....	3,000
Traveling expenses of division .....	9,000
Stenographer .....	1,920
3. Child labor inspection:	
One inspector, full time salary .....	3,600
Part time inspector's salary .....	1,200
Traveling expenses .....	3,200
4. Stationery, postage, printing and equipment .....	5,000
5. Expenses of child welfare council .....	1,000
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Total for Child Welfare Bureau .....	\$53,160

FOR THE BUREAU OF INSPECTORS OF MOTION PICTURES.  
(See bill 32.)

1. Total appropriation .....\$38,000

The fees for the inspection of films are to be turned over to the state treasury; and from the experience of the four states having such boards, running over a period of years and usually having a lower charge for inspection, the fees will cover all expenses of the bureau.

IN THE BUDGET OF THE SUPERINTENDENT OF  
PUBLIC INSTRUCTION.

1. State aid for weak districts (Bill 19) ..... 200,000  
2. State aid for special classes for mental defectives  
(Bill 3) ..... 20,000  
3. State school health supervision (Bill 21)..... 10,000  
4. State supervision of enforcement of compulsory  
school law (Bill 17) ..... 5,600

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Total for the Superintendent of Public  
Instruction .....\$235,600

IN THE BUDGET OF THE DEPARTMENT OF LABOR

For the minimum wage commission (Bill 24)..... 2,000

IN THE BUDGET OF THE BOARD OF CONTROL.

For the Bureau of Juvenile Research (Bill 1)..... 30,000

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Total appropriations recommended .....\$358,760

**Is the Amount Asked for in This Budget Excessive?**

The legislature is asked to appropriate \$358,760 for the biennium to carry out the legislation recommended in the report. This includes, however, \$38,000 for the bureau of inspectors of motion pictures, all of which will be reimbursed by fees. It also includes the state child welfare bureau which has cost \$7,500, during the past biennium. It includes expenses of visiting children placed out or paroled by the state which has been done by a field agent and by superintendents

in the past and are, therefore, not a new expense. After deducting these items and the \$20,000 heretofore appropriated for state aid to weak school districts there still remains a budget of about \$280,000 new appropriation for the coming biennium. Of this amount \$180,000 is for public schools, leaving only \$100,000 for the new child welfare program.

In view of the general complaint of high taxes and the demand for economy in state government the commission will discuss frankly the question of this increased expense.

Every item of the proposed budget has been considered carefully and approved. The measures which have been recommended are all so closely interrelated that to reject any of them or to curtail the appropriations will seriously cripple the whole program.

The total amount asked for here appears large only in comparison with the small amounts that in the past have been appropriated for specific child welfare work. They do not appear large in comparison with amounts that have been appropriated for other purposes. A few comparisons here cannot be out of place.

The Legislature of 1919, appropriated for:

#### HOG WELFARE.

Prevention of hog cholera .....	\$ 15,000
Serum Plant improvements .....	40,000
Hog cholera serum production .....	75,000
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	\$130,000

#### FOR OTHER LIVESTOCK WELFARE.

Extra field help, inspectors, veterinaries, etc. ....	\$ 35,000
Horses killed on account of glanders .....	2,500
Incidentals .....	6,500
Livestock Association .....	2,500
Dairymen's Association .....	5,000
Salaries, Livestock Sanitary Board .....	24,640
Bovine Tuberculosis Fund .....	75,000
	<hr/>
	\$151,140



## FOR FISH AND GAME WELFARE

Current expenses, game and fish commission .....	\$40,300
Fish hatcheries .....	10,000
Fish nursery .....	2,500
Salaries, game and fish commission .....	23,120
	<hr/>
	\$75,920

## FOR CHILD WELFARE.

Child Welfare Bureau and

Children's Code Commission .....\$15,000

This comparison is made not to disparage the wisdom of such expenditures, but simply to dispose of the charge that the appropriations asked for child welfare are **too large**.

The expenditure for child welfare work here recommended is an **economic expenditure** and every dollar so spent will come back to the tax payers with many fold return. These expenditures will be repaid because by making this outlay:

It will enable thousands of children in remote country districts **to have school opportunities** and so promote their future earning capacity for the state.

It will **promote school health** work which will reach our 300,000 school children; and, if the health of only one per cent is improved or a fraction of one per cent prevented from becoming invalids or defectives it will pay.

It will **save the lives of many thousands of infants**. Investigation in many places has shown a difference in death rates among children during the first year of life varying from 80 per 1,000, to 240 per 1,000; and these differences in death rates depend very largely on whether the knowledge of proper medical care, nursing and treatment prevails or whether ignorance and prejudice persist.

It will **save hundreds of children from being exploited** by the ignorant and vicious, as can be proven by many cases of neglected children that have already come to light and been rescued by the state child welfare bureau.

It will **tend to check the increase of the feeble-minded**, and consequently of the paupers, vagrants, prostitutes, crim-

inals and degenerates. Enormous sums are spent by the state to support its defectives and dependents, and to prosecute its law breakers. With the diminishing birth rate among the more intelligent classes and the increasing birth rate among the mentally deficient, the financial burden to the state must grow constantly and rapidly. The segregation of the latter to prevent their increase is the only remedy.

It will **save the state money in future** prosecutions of criminals and maintenance of prisons and jails by giving serious attention to **prevention of crime** by state action. Reference is made to the measures for the promotion of wholesome public recreation, regulation of commercialized amusements, extension of juvenile court methods to all cases of delinquent children and the provision for psychological examinations for all children who fail to adjust themselves in the home, in the school or in society.

Above all, it should be said that, while all money expended as here recommended will come back in financial returns, the greater return is the **saving of life and character**.

Again, attention is called to the fact that, of the amount recommended, \$200,000 is for state aid to weak school districts to make it possible for them to have six to nine months of school. This, the greater part of the budget, stands on a different ground of justification from the remainder of the program. It simply means that the expense of supporting the district schools of the state in the poorer, more sparsely populated districts is to be assumed by the state itself, to the extent of \$100,000 annually.

The total expense of supporting the public schools of the state in the year ending July 1920, was \$19,563,064. Of this \$18,547,919 was met by local taxation.

The appropriation of \$100,000 per annum for the schools will mean taxation, for a person owning property worth \$5,000, and assessed at \$1,000, in the sum of thirteen cents. It may be assumed that every person who is worth \$5,000, is willing to contribute thirteen cents annually to make it possible for every boy and girl even in the remote country districts of Nebraska to go to school six to nine months in the year.

The appropriation of \$50,000, annually, which is the amount asked for all other child welfare purposes, will mean the taxation of an estate assessed at \$1,000, to the amount of six and one-half cents.

We believe that everyone who owns property worth \$5,000 is willing to be taxed annually, for the purposes named, nineteen and one-half cents. The question at issue therefore is not whether we can afford to expend such an amount of money, but whether the legislative program recommended here is practical and feasible. That question has been presented in the preceding explanatory part of the report, and for further consideration, reference is made to the text of the bills, in the concluding part of this report.

CHILD WELFARE AND TAXATION.

Amount of New appropriations asked for, annually, for:

State aid to provide nine months, (or at least six  
months) school in weaker districts.....\$100,000  
All other child welfare purposes ..... 50,000

Total .....\$150,000

Total assessed valuation of all property in the  
state, one-fifth true value, 1920, .....\$775,949,730

Tax rate necessary for the above purposes,  
on every dollar assessed valuation ...193/1000 of 1 mill

Total tax, on an estate of \$5,000, assessed \$1,000,  
necessary for child welfare purposes .....19.3 cents



## PART FOUR.

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### PROPOSED BILLS WITH ABSTRACTS THEREOF AND OF CHANGES PROPOSED AND WITH CROSS REFERENCES.

#### SOURCES OF INFORMATION.

The principal source of information in preparing this report has been the knowledge of conditions surrounding child welfare in Nebraska received at first hand by members of the commission, and by conferences and correspondence. The experience of other states has been drawn upon through correspondence and personal interviews and more particularly through the use of many valuable reports of the various states, of the federal departments, and of national organizations.

A list of these reports which have been found of especial value, and which are of general application, is given below. In connection with several of the more important bills, references are made to parts of these reports and to others bearing on the subject of the particular bill. Most of the publications referred to can be found in the Legislative Reference Library, or the collection of the commission; or they can be secured by writing the department or society publishing them, without expense.

#### SELECT LIST OF PUBLICATIONS

1. Missouri, Children's Code Commission Report. 1918. 232 pp. State Board of Charities and Corrections. Jefferson, Mo.
2. Minnesota, Child Welfare Commission Report. 143 pp. 1917. (out of print)
3. Minnesota, Compilation of the Laws Relating to Children. 1919. 200 pp. State Board of Control, St. Paul, Minn.

4. Ohio, Report of the Commission to Codify and Revise the Laws relative to Children. 1912. 61 pp. State Board of Charities, 209 So. High St., Columbus, Ohio.
5. Indiana, Laws Concerning Children. 1914. 104 pp. State Board of Charities, Indianapolis, Ind.
6. Michigan, Laws relating to Juveniles. 1917. 88 pp. Secretary of State, Lansing, Mich.
7. Wisconsin, Statutes Relating to Children. 85 pp. 1919. Secretary of State, Madison, Wis.
8. Summary of Child Welfare Laws passed in 1916. 74 pp. Children's Bureau, Washington, D. C.
9. Standards of Child Welfare, a report of the Children's Bureau Conferences. 1919. U. S. Children's Bureau, Washington, D. C.
10. Child Welfare in Oklahoma, a report by the National Child Labor Committee. 1917. 286 pp. National Child Labor Committee, 105 E. 22nd St., New York City.  
Similar reports have been published by the National Child Labor Committee on Child Welfare in Alabama, North Carolina and Kentucky.
11. New Hampshire Children's Commission Report. Jan. 1915.
13. Child Welfare in Oregon, University of Oregon. 1918.
14. Laws Affecting Women and Children. Annie G. Porritt, National Woman Suffrage Pub. Co., 171 Madison Ave., New York City.

#### BILLS PROPOSED.

In the following pages the bills recommended are presented in full, arranged in logical order according to subject matter. Each bill is designated as an amendatory act, a new law proposed as a substitute for one repealed, or as a new and independent act.

Preceding each bill is an abstract. If the bill is either an amendment to existing law or a substitute for sections repealed the abstract sets out the changes proposed in the present law. If the bill is for a new and independent act the abstract covers briefly the salient points of the bill.

Cross references are made to the preceding discussion of the bills in their relations to the child welfare needs of the state, in Part Two; and to other bills on closely related subjects.

In bills to amend the present law the proposed changes are shown by using different type, thus:

~~Words to be eliminated are set in cancelled letters.~~

*New words to be added are set in italics.*





## Chapter I.

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### SPECIAL CLASSES OF CHILDREN.

#### (A) DEFECTIVE CHILDREN.

#### BILL NO. 1.

##### BUREAU OF JUVENILE RESEARCH.

(A new and independent act.)

##### Abstract of the bill.

1. The bureau constitutes a clearing house under the board of control for the study and classification of dependent, delinquent and defective children, under eighteen, committed to that board by juvenile courts or already in state institutions.

2. After receiving a written report from the bureau, the board may assign any child to the proper institution, place him in a family home or move him from one institution to another.

3. The bureau may make mental and physical examinations of children in private institutions, in the public schools and in juvenile courts when requested, and it shall cooperate with the state superintendent in the supervision of special classes for mentally defective children in the public schools.

##### References.

This bill is based upon the Ohio law enacted in 1914. Ohio code, ss 1841-1-7.

For bills 1, 2, and 3 refer to the following:

Mental Defectives in Indiana. 1919. State Board of Charities.

Mental deficiency law of New York. 1919. Commission for Mental Defectives, 105 E. 22nd St., New York City.

Summary of State Laws Relating to the Feeble-Minded and Epileptic. 1917; also Cook County and the Mentally Handicapped; and the Problems Confronting a Psycho-Educational Clinic by Dr. J. E. W. Wallin, all published by the National Committee for Mental Hygiene, 50 Union Square, New York.

National Conference Social Work, 1920, pp. 359-406.

Ohio Bulletin Charities and Corrections. July 1919. Pages 36-39.

#### A BILL

For an Act to establish a Bureau of Juvenile Research and to repeal all acts and parts of acts in conflict with this act.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. All minors under eighteen years of age who, in the judgment of the juvenile court, require state

institutional care and custody shall be wards of the state, and shall be committed to the care and custody of the board of control, which board thereupon becomes vested with the sole and exclusive custody of such minors.

Sec. 2. The board of control shall provide and maintain a Bureau of Juvenile Research, and shall employ a competent clinical psychologist to administer such bureau, to conduct investigations, and to study the problems relating to dependent, delinquent and defective children. The director of the bureau may appoint such expert assistants and clerical help as the board of control may authorize.

Sec. 3. The Bureau of Juvenile Research shall conduct such mental, physical and other examination, inquiry or treatment of children in the custody of the board of control as the bureau may deem necessary. Such board may cause any minor in its custody to be removed to the bureau for observation. A complete report of every examination shall be made in writing and shall include a record of observation, treatment, medical and social history, and a recommendation for future treatment, custody and maintenance. The board of control or its duly authorized representatives shall then assign the child to a suitable state institution or place it in a family under such rules and regulations as may be adopted.

Sec. 4. Any minor having been committed to any state institution may be transferred by the board of control to any other state institution, whenever it shall appear that such minor by reason of its delinquency, dependency, neglect, mental or physical defect or any other reason ought to be in another institution. Such board before making such transfer shall make a minute of the order for such transfer and the reason therefor upon its record, and shall send a certified copy at least seven days prior to such transfer, to the person shown by its records to have had the care or custody of such minor immediately prior to its commitment.

Sec. 5. The board of control may receive any minor for observation and treatment from any public institution

other than a state institution or from any private or charitable institution or person having legal custody thereof, upon such terms as such board may deem proper.

The Bureau of Juvenile Research may send examiners to conduct examinations of minors brought before any court of this state at the request of such court, and such examination shall be made without charge other than for necessary traveling expenses. In like manner the Bureau of Juvenile Research may conduct mental examinations of children in any public school of this state upon the request of the superintendent of such school without charge other than the necessary traveling expenses. It shall also co-operate with the superintendent of public instruction in the supervision of special classes for mentally defective children in the public schools.

Sec. 6. Each county shall bear all the expenses incident to the transportation of each child from such county to such Bureau of Juvenile Research, together with such fees and costs as are allowed by law in similar cases, which fees, costs and expenses shall be paid from the county treasury upon itemized vouchers certified to by the judge of the juvenile court.

Sec. 7. All acts and parts of acts in conflict with this act are hereby repealed.

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## BILL NO. 2.

### STATE INSTITUTION FOR THE FEEBLE-MINDED, AND METHOD OF COMMITMENT. (An amendatory act)

#### Abstract of Changes.

1. Name of the state institution changed from Nebraska Institution for Feeble-Minded Youth to Nebraska Institution for Feeble-Minded.

2. Purposes of the institution restated, putting emphasis on custodial care and segregation as well as education.

3. Definition of the term "feeble-minded" (Section 2).

4. Method of commitment changed by adding to list of officials who may file petition, by providing method of committing persons who have no legal residence, by providing that the examination may be made and certificate signed by a clinical psychologist as well as by a physician and by providing that if the person named in the petition is an inmate of a state institution, he may be kept in the same insti-



tution or transferred to the institution for the feeble-minded in the discretion of the board of control.

**Cross references.**

In connection with this bill, see bills 1, 3 and 11, and references under bill 1.

## A BILL

For an Act to provide for the care and control of the feeble-minded, to change the name of the Nebraska Institution for Feeble Minded Youth, to define the term "feeble-minded", to provide for the commitment of those who are feeble-minded and to amend sections 7220 and 7221 of the Revised Statutes of 1913 and 7223 and 7224 of the Revised Statutes of 1913 as amended by Chapter 131 of the laws of 1915 and to repeal said original sections and also to repeal section 7222 of the Revised Statutes of 1913 and to enact a new section to be known as 7222a of the Revised Statutes of 1913.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That sections 7220 and 7221 of the Revised Statutes of 1913 are hereby amended to read as follows:

7220. ~~There shall be established in the State of Nebraska an institution to be known and designated as the Nebraska Institution for Feeble Minded Youth. The Nebraska Institution for Feeble Minded Youth shall hereafter be known and designated as the Nebraska Institution for the Feeble-Minded.~~

7221. ~~Besides shelter and protection, the prime object of the institution shall be to provide special means of improvement for that unfortunate portion of the community who were born, or by disease have become, imbecile or feeble-minded, and by a wise and well adapted course of instruction reclaim them from their helpless condition, and, through the development of their intellectual faculties, fit them as far as possible for usefulness in society. To this end there shall be furnished them such agricultural and mechanical education as they may be capable of receiving. The objects of the institution shall be to provide custodial care and humane~~



*treatment for those who are feeble-minded, to segregate them from society, to study to improve their condition, to classify them, and to furnish such training in industrial, mechanical, agricultural and academic subjects as they are severally fitted to acquire.*

Sec. 2. That a new section be added to the Revised Statutes of 1913 to be numbered 7222a, to read as follows:

7222a. The words "feeble-minded person" shall be construed to mean any person afflicted with mental defectiveness from birth or from an early age, so pronounced that he is incapable of managing himself and his affairs and of subsisting by his own efforts, or of being taught to do so, or that he requires supervision, control, and care, for his own welfare, or for the welfare of others, or for the welfare of the community, and who cannot be classified as an "insane person."

Sec. 3. That sections 7223 and 7224 of the Revised Statutes of 1913 as amended by Chapter 131 of the laws of 1915 are hereby amended to read as follows:

7223. Said institution shall receive as inmates only such ~~idiotic, imbecile and~~ feeble-minded persons as may be transferred thereto from any other state institution of Nebraska by the board of ~~commissioners of state institutions,~~ *control* or may be committed thereto by a juvenile court of this state under the provisions of ~~section 1250 of The Revised Statutes of Nebraska for 1913.~~ *the juvenile court law* or may be committed thereto by a county court of this state in the manner hereinafter provided.

The husband, wife, parent, guardian or other person standing in *loco parentis* to ~~an idiotic, imbecile or~~ a feeble-minded person, or the county commissioners, county attorney ~~or any poor law official or any health officer,~~ any superintendent or principal of schools, or any probation or parole officer of the county *or any reputable citizen,* *being a resident of the county* of which such ~~idiotic, imbecile or~~ feeble-minded person is a bona fide resident, may apply by petition to the county court of said county for the commitment of such person to the Nebraska Insti-

tution for *the Feeble-Minded Youth*; and the superintendent or managing officer of any public or charitable institution having in charge any ~~idiotie, imbecile~~ or feeble-minded person may so apply for like purpose to the county court of the county in which such public or charitable institution is located; and any of the above named officials may apply, as aforesaid, for the commitment of any feeble-minded person found in the county and whose place of legal residence cannot be ascertained.

Such petition shall set forth the name and address of the petitioner and the capacity in which he files such petition, the name, age, sex and residence of the alleged ~~idiotie, imbecile~~ or feeble-minded person, the names and addresses of the parents, guardians, or other persons having custody or control of such person and that such person is a proper subject for commitment to said institution, and must be accompanied by a certificate by a legally qualified physician with an experience in the actual practice of his profession, or a clinical psychologist certifying that he has personally examined the person to whom the application relates and that in his opinion such person is ~~an idiot, an imbecile~~ or a feeble-minded person and a proper subject for commitment to said institution.

Thereupon the said court or the judge thereof shall appoint a day for the hearing of said petition and shall cause due notice of such hearing to be given to all parties in interest so that full opportunity shall be given for the presentation of evidence concerning the mental status of the alleged ~~idiotie, imbecile~~ or feeble-minded persons. If at said hearing it shall appear that the person named in the application is ~~an idiot, an imbecile~~ or a feeble-minded person and that the best interests of such person or the welfare of society require that he be committed to said institution for the feeble-minded, the court shall commit such person to the Nebraska Institution for *the Feeble-Minded Youth* and shall direct his removal thereto by a proper officer or person and his detention therein until duly discharged.



It shall be the duty of said institution to receive all such idiotic, imbecile and feeble-minded persons duly committed thereto and to detain them therein, and to arrest and return any who may escape therefrom, until duly discharged or transferred in accordance with the provisions of law and the rules and regulations adopted with reference thereto by the board of ~~commissioners of~~ state ~~institutions~~ control.

*Provided: That if the person named in the application is an inmate of a state institution the court may commit such person to the care and custody of the state board of control and the said board of control may, in its discretion, detain such inmate in the institution in which he is at the time of the hearing subject to the rules of such institution or may transfer him to the Nebraska Institution for the Feeble-Minded.*

7224. At said hearing the court shall inquire as to the estate of such idiotic, imbecile or feeble-minded person and, if the court find said estate sufficient for the purpose, shall order the payment therefrom of the costs of said proceeding, and of transporting said person to said institution, and also the cost of providing suitable clothing, incidental expenses, such as dental work, repairs of clothing, etc., and burial expenses; and if said idiotic, imbecile or feeble-minded person have no estate and the court find that the circumstances of the husband or parent of such person are such as to make such order proper and advisable the court shall order that payment of the costs and expenses above mentioned be made by said husband or parent, and any such order shall be enforceable in the same manner in which orders in desertion cases are now enforceable.

If the court find that said idiotic, imbecile or feeble-minded person have no estate and that the circumstances of the husband or parent of such person are not such as to warrant an order for the payment of said costs and expenses by said husband or parent, the judge of said court shall thereupon certify the same to the county board of said county or of the county in which such person is

*a bona fide resident* and to the superintendent of the institution who shall notify said county board when the person can be admitted, and said board shall at once provide clothing and transportation, and on or before admission pay to the superintendent in current funds the sum of forty dollars for each person so admitted, which money shall be used only for the expenses mentioned in this section. The superintendent shall report to the county board on the first day of December of each year, giving an itemized statement of the expenditures made and showing the balance on hand. The county board shall at their first meeting thereafter, pay to the superintendent such sum of money as added to the balance in his hand shall equal the sum of forty dollars for each indigent inmate from such county. If any county board shall fail to comply with the provisions of this section the district court in the county shall, on application, compel the same by mandamus.

Persons who have been found by the court to be able to pay the expenses mentioned in this section shall give bond to the State of Nebraska in the penal sum of one hundred dollars payable to the superintendent of the institution, conditioned on providing for the above mentioned expenses, or that they will pay or cause to be paid to the superintendent on his statement of expenditure such sum of money as may be necessary for such purposes. Such bond shall be approved by said county judge.

In case the husband or parent refuse to pay such expenses the county board shall pay the same and shall proceed against said husband or parent, and bondsman, according to law.

Sec. 4. That said original sections 7220, 7221 and 7222 of the Revised Statutes of 1913, and sections 7223 and 7224 of the Revised Statutes of 1913 as amended by Chapter 131 of the laws of 1915 are hereby repealed.



## BILL NO. 3.

### SPECIAL CLASSES FOR THE INSTRUCTION OF MENTALLY SUBNORMAL CHILDREN IN THE PUBLIC SCHOOLS.

(A new and independent act.)

#### Abstract of the bill.

1. This bill makes it compulsory upon school boards to provide special classes for the instruction of mentally subnormal children in all districts where fifteen or more of school age are found.

2. Provides for joint action by two or more districts in maintaining special classes where the district has less than fifteen such children.

3. Provides for state aid for such classes in the sum of fifty dollars annually per pupil.

4. Provides for co-operation of the director of the bureau of juvenile research with the superintendent of public instruction in supervision of classes organized under this act.

#### Cross references.

In connection with this bill, see bills 1, 2, and 17, and references under bill 1.

## A BILL

For an Act to provide for the education of mentally subnormal children in special classes in the public schools.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. Whenever in any school district there shall be found fifteen or more children of school age who are mentally subnormal and yet capable of instruction, the board of education or school board shall provide appropriate instruction in a special class for such groups and shall provide transportation to and from school for such children as could not otherwise attend. Instruction which is adapted to the mental capacities and handicaps of the children must be provided in these classes under the regulations of the state department of education. It shall be the duty of the board of education or school board in each district to ascertain annually the number of children in the district who belong to this type.

Sec. 2. Whenever any school district shall have fewer than fifteen children of the class provided for in section 1 of this act, the school boards or boards of education of two or more districts may contract with each other for the establishment of special classes for the education of such children in one or the other of said districts.

Sec. 3. There shall be paid out of the current school fund in the state treasury annually to the treasurer of the school district maintaining the school or schools for the instruction of subnormal children as provided in this act the sum of fifty dollars for each mentally subnormal child instructed in such school or schools having an annual session of at least nine months during the year next preceding the first day of July.

Sec. 4. The superintendent of public instruction with the co-operation of the director of the bureau of juvenile research, shall have supervision of all schools and special classes created under this act and shall have power to enforce the provisions of this act.

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(B) DEPENDENT AND NEGLECTED CHILDREN

**BILL NO. 4.**

NEBRASKA HOME FOR DEPENDENT CHILDREN.  
(An amendatory act)

**Abstract of Changes.**

1. Strikes out the present restriction limiting the amount allowed to be paid by the state home for the boarding of children in private families to two dollars a week.

2. Provides for transferring of the function of placing children in homes, investigating homes and visiting children, from the Nebraska home for dependent children to the state child welfare bureau, but leaves the supervision in the board of control.

**Cross references.**

In connection with this bill, see bills 5, 52 and 53.

**A BILL**

For an Act to amend section 7229 of the Revised Statutes of 1913 relating to the Nebraska Home for Dependent Children and to repeal said original section.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 7229 of the Revised Statutes of 1913 is hereby amended to read as follows:

7229. The board of control is hereby made the legal guardian of all children now in the custody of the ~~state school~~ *Nebraska Home for Dependent Children* and of those who shall be committed to its care. It shall be the

duty of the board to afford temporary care and to use special diligence to provide suitable homes for such children and it is hereby authorized to place them in such families for adoption or on a written contract during minority or until eighteen years of age, in the discretion of the board, providing for their education in the public schools where they may reside or otherwise for teaching them some useful occupation, for kind and proper treatment as members of the family where placed, and for the payment on the termination of the contract to said board for the use of the child any sum of money that may be provided for in the instrument. Whenever any ward of the board who is not indentured has become self-supporting the board may so declare by resolution and the guardianship of the board shall then cease and the child thereafter be entitled to its own earnings. Whenever one or both parents of any ward who is not indentured have become able to support and educate it the child may, by resolution of the board, be restored to its parents, in which case the suitability of the home shall be certified in the same manner as herein required to place on indentures, and thereupon the guardianship of the board shall cease. The board shall also have authority in case permanent free homes cannot be obtained to provide and pay for their board in private families ~~at a rate not to exceed two dollars per week.~~ *Provided, that whenever the director of the state child welfare bureau shall make provision for the work of investigating homes in which children are to be placed from state institutions, and for visiting and supervising such homes and the children placed therein, and shall so certify to the state board of control, then the state board of control shall make the director of the state child welfare bureau its agent for the placing of children in homes, for the investigation of such homes, and the visitation of such children.*

Sec. 2. That said original section 7229 of the Revised Statutes of 1913 is hereby repealed.



## BILL NO. 5.

### NEBRASKA INDUSTRIAL HOME FOR WOMEN. (An amendatory act)

#### Abstract of Changes.

1. Purposes of the institution restated.
2. Permitting care in this institution of girls committed by the courts in certain cases.
3. Encouragement to be given to mothers to keep their own children when they appear physically, mentally, and morally capable of giving reasonable care.
4. Provides that where mothers relinquish the custody of their children, they may be relinquished to the board of control to be cared for by the Nebraska home for dependent children or placed in homes by the state child welfare bureau, thus centralizing child-placing work in the state.

#### Cross references.

In connection with this bill, see bills 4, 7, 28, 29, 45, 48 and 52.

### A BILL

For an Act to provide for the reception and care of women and girls at the Nebraska Industrial Home at Milford on commitment by court order, while preserving the right of voluntary admission to said home, to amend sections 7387 and 7388 of the Revised Statutes of 1913 as amended by chapter 139 of the laws of 1915 and to repeal said original sections.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That sections 7387 and 7388 of the Revised Statutes of 1913 as amended by chapter 139 laws of 1915 are hereby amended to read as follows:

7387. The objects of the institution shall be to afford shelter, protection and proper care to ~~penitent~~, *pregnant women and girls who are unmarried or who have been deserted by their husbands for more than nine months* ~~women and girls with a view to aid in the suppression of prostitution~~ *who may voluntarily apply for admission or who may be committed to the care of such institution by the courts of this state: to furnish them domestic, industrial and other training to fit them for self support; to procure them appropriate employment; to provide temporary care for their children born in the institution; and to secure suitable homes for such children. To this end*



the superintendent of said home is authorized in cases approved by the board of commissioners of state institutions to receive the custody and control of any such child duly relinquished by the mother thereof and to consent to the adoption of such child by some suitable person approved by said board. and to encourage mothers who are normally endowed to keep their children with them. To this end the superintendent of said home is authorized in all cases, where it is physically possible, to encourage the mother of any child born in the institution to nurse the child for at least six months and in all cases where the mother appears to be physically, mentally and morally capable of giving the child reasonable care, she shall be encouraged and assisted to retain the permanent custody and control of the child. In case it is necessary that the mother and child be separated permanently, the mother may relinquish the custody of such child to the board of control, or the superintendent of the home shall report such case to the state child welfare bureau, which shall take the necessary steps to have the child committed to the custody of the state board of control as other dependent children are committed.

7388. In case of voluntary admission to the home, application for admission to said home shall be made to the superintendent and shall show the condition and circumstances of the applicant in such matters as the regulations of the board may require. If the application is denied it shall be returned to the applicant. In case of commitment to the home by order of court, the order shall contain the information as to the name, age, circumstances and conditions of the person committed required by the regulations of the board. The records of the home shall be deemed confidential and shall be subject to examination only by the governor, the board, a legislative committee or on order of a court or judge, nor shall any information as to the name or identity of any applicant or inmate be disclosed except to such persons only as may prove to the satisfaction of said board their right to such information.

Sec. 2. That said sections 7387 and 7388 of the Revised Statutes for 1913 as amended by chapter 139 of the laws of 1915 are hereby repealed.

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## BILL NO. 6.

### CHILDREN IN POORHOUSES.

(An act to repeal certain sections and to substitute new sections.)

#### Abstract of Changes.

1. Repeals sections providing for education of children in poorhouses, prohibits keeping children therein and requires county authorities to provide care for dependent children through the juvenile court law and the mothers pension law.

2. Prohibits keeping of pregnant women in poorhouses and requires care in proper institutions.

#### Cross references.

See bills 5, 7, 12, 52 and 53.

## A BILL

For an Act to require boards of county commissioners and of supervisors to provide for the care of dependent children and of destitute pregnant women elsewhere than in a poor house and to repeal sections 5818 and 5819 of the Revised Statutes of 1913.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. It shall be unlawful to admit, keep, or maintain any child under the age of sixteen years in any poor house of this state. It shall be the duty of the board of county commissioners or of supervisors of any county in which children under the age of sixteen are being kept in a poor house at the time that this law shall take effect, and in any county in which application is made for the care of dependent children in a county poor house, to take such steps as may be necessary to have such children cared for in accordance with the provisions of the laws relating to juvenile courts and to the allowance of mothers' pensions.

Sec. 2. It shall be unlawful to admit, keep, or maintain any pregnant woman in any poor house of this state. It shall be the duty of the county board of any county

in which a pregnant woman is found in a poor house at the time that this law shall take effect, and of any county in which a pregnant woman shall apply for admission to the county poor house, to provide for the care of such pregnant woman in a hospital, sanitarium, private home, or other suitable place at the expense of the county, whenever in the judgment of the county board such person is destitute and in need of county relief.

Sec. 3. That sections 5818 and 5819 of the Revised Statutes for 1913 are hereby repealed.

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## BILL NO. 7.

### MOTHERS' PENSIONS. (An amendatory act)

#### Abstract of Changes.

1. Changes length of residence required in the county, in order to receive benefits of the law, from two years to one year.

2. In the case of a divorced or deserted woman, no assistance shall be granted under this law unless the husband has been absent from home for one year.

3. Raises the age under which children may receive the benefits of the law from fourteen to sixteen years.

4. Changes the maximum amount which one family may receive from \$50 to \$75.

5. Strikes out the provision that a mother shall not receive the benefits of the law if the children have relatives legally required to contribute to their support.

6. Requires the probation officer supervising the family to report to the juvenile court monthly in writing.

#### References.

Laws relating to Mothers' Pensions. 1919. United States Children's Bureau, Washington, D. C.

Laws Affecting Women and Children, Annie G. Porritt, pp 89-105.

#### Cross References.

See bill 12, S 3; bill 17, S. 1, A, D; bill 26, 52, 53.

## A BILL

For an Act to amend sections 2, 6, 7, 8 and 11 of chapter 221 of the laws of 1919 relating to mothers' pensions and to repeal said original sections.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That sections 2, 6, 7, 8 and 11 of chapter 221 of the laws of 1919 be amended to read as follows:



Sec. 2. A mother whose husband is dead or whose husband has become permanently incapacitated for work by reason of physical or mental infirmity, or is confined in a penal institution, and a mother who is unmarried, or has been married and is divorced, or has been deserted by *her* husband, may file a petition for relief under this act, provided such mother has had a residence for ~~two~~ *one* years in the county where such petition is filed and is the mother of a child, or children: Provided, further, however, no mother shall receive any support whose husband or whose divorced husband has means and can be legally made to assist in the support of his children; *and provided further that no mother shall receive any support whose husband is able to contribute to her support unless such husband has been absent from the home for at least one year.* Such petition shall be filed with the juvenile court of the county where such mother resides, and may be verified on information and belief.

Sec. 6. The allowance made to such mother shall not exceed ten dollars per month when such mother has but one child under the age of ~~fourteen~~ *sixteen* years, and when she has more than one child under such age, the relief granted shall not exceed ten dollars per month for each of the other children; Provided, that in no event shall the relief granted to any one mother and children exceed the sum of ~~fifty~~ *seventy-five* dollars per month; Provided, further, no such order shall be effective for more than six months, unless renewed by the court at or after the expiration of that period.

Sec. 7. Such relief shall be granted by the court only upon the following conditions:

(1) The child or children for whose benefit the relief is granted must be living with the mother of such child or children; (2) The court must find that it is for the welfare of such child or children to remain at home with the mother; (3) The relief shall be granted only when in the absence of such relief the mother would be required to work regularly away from her home and children and when by means of such relief she will be



able to remain at home with her children except that she may be absent from *home*, at work a definite number of days each week to be specified in the court's order, when such work can be done by her without the sacrifice of health or the neglect of the home and children; (5) (4) The relief granted shall, in the judgment of the court be necessary to save the child or children from neglect and to furnish such child with suitable education; (6) (5) a mother shall not receive such relief who is the owner of real property or personal property other than the household goods of more than two thousand dollars in value; (7) (6) a mother shall not receive such relief who has not resided in the county where the application is made at least ~~two~~ *one* years and in the state *two* years next before making such application. (8) (7) A mother shall not receive such relief if her children have relatives within the second degrees of sufficient abilities to support them, said relationship to be computed according to the method of determining intestate succession to property in Nebraska.

Sec. 8. Whenever any child shall arrive at the age of ~~fourteen~~ *sixteen* years and any relief granted to the mother for such child shall cease; Provided, if a child of ~~fourteen~~ years of age be ill or is incapacitated for work, the mother shall receive funds for his care during such illness or incapacity for work until such child is ~~sixteen~~ years of age. The court may, in its discretion, at any time before such child reaches the age of ~~fourteen~~ *sixteen* years modify or vacate the order granting relief to any mother and for any child.

Sec. 11. It shall be the duty of any probation officer of the juvenile court such as are appointed under this act to investigate all applications for relief and make a written report of such investigation with their recommendations. After the granting of relief to any mother for the support of her children, it shall be the further duty of such probation officer to visit and supervise, under the direction of the court, the families to which such relief has been granted and to report to the court once each month in writing as to the condition of the family and

to advise with the court and perform such other duties as the court may direct in order to maintain the integrity of the families and the welfare of the children.

Sec. 2. That said original sections 2, 6, 7, 8 and 11 of chapter 221 of the laws of 1919 are hereby repealed.

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## BILL NO. 8.

### CHILD PLACING ORGANIZATIONS.

(An act to repeal the present law and to enact new provisions.)

#### Abstract of Changes.

1. Definition of child placing agency.
2. Agencies required to keep more complete records.
3. Parents prohibited from relinquishing children under three months of age and from relinquishing children to any agency other than a licensed association or a relative, except through an order of court.
4. Powers of visitation and inspection by state child welfare bureau enlarged.
5. Regulation of agencies bringing children from other states to Nebraska made more effective, the present law prohibiting "associations incorporated under the laws of other states" from placing children in this state, but not preventing any other organization or person from bringing children from without the state.
6. Provides for annual inspection of child placing organizations, visitation of children placed by them and licensing of the same by the state child welfare bureau, and prohibits unlicensed organizations from conducting child placing work or soliciting funds.
7. Records and information of the child welfare bureau to be protected from public inspection.

#### References.

National Conference Social Work. 1920, pp. 99-104.

#### Cross references.

In connection with this bill, see bills 12, 52 and 53.

## A BILL

For an Act to provide for the regulating and certifying of persons and associations engaged in the business of receiving, securing homes for and caring for children, to prescribe penalties for the violation of this act and to repeal sections 5831, 5832, 5833, 5834, 5835, 5836 and 5837 of the Revised Statutes of 1913 as amended by Division XI, article II, title VI, chapter 190 of the laws of 1919, (pages 789-790) and to repeal all acts and parts of acts in conflict with this act.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. For the purposes of this act the word "agency" shall mean a person, association or corporation engaged in the business of receiving, securing homes for or otherwise caring for children.

Sec 2. Every agency permitted by law to receive, secure homes for or otherwise care for children, shall keep a record containing the names, ages, present and former residences, occupations and character so far as known of the parents; the dates of reception, placing out and adoption, together with the name, occupations and residence of the person with whom the child is placed; the date and cause of the cancellation of any contract of indenture; the date and cause of any removal to another home; the date and cause of termination of custody, and a brief history of each child until he shall have reached the age of eighteen years, or shall have been legally adopted or discharged, according to law.

Sec. 3. On the first day of each month such agencies shall report to the state child welfare bureau on forms supplied by it, specifying the matters and things required in the record mentioned in the next preceding section.

Sec. 4. Except in judicial proceedings, no parent may assign, relinquish or otherwise transfer to another his rights or duties with respect to the permanent care and custody of his child under fourteen years of age, and any such transfer hereafter made shall be void. No agency or person other than the parents may assume the permanent care and custody of a child under fourteen years of age unless authorized so to do by an order or decree of a court of record; Provided, that this section shall not be construed to prohibit a parent from assigning, relinquishing or otherwise transferring the custody or guardianship of his or her child who is over the age of three months to any society or corporation incorporated under the laws of the State of Nebraska for the care and placement of children, and duly licensed by the state child welfare bureau or to persons who are related to the child within the second degree, nor to prohibit such relative or corpo-



rations from accepting the custody or guardianship of such child.

Sec. 5. The state child welfare bureau at any time may cause the child and the home in which he has been placed to be visited by its agents for the purpose of ascertaining whether the home is a suitable one for the child; and may continue to visit and supervise the care of such child the same as though the child were placed out by the state. Whenever satisfied that a child has been placed in an unsuitable home, the bureau may order its transfer by the agency which placed it, and if said order is not obeyed within thirty days or in the event that conditions in the home are such as to make it appear necessary to the welfare of the child to remove it at once, or in the event that the agency that placed the child is unknown or cannot be found, the bureau itself shall take charge of and provide for such child, and in that event the bureau may temporarily place such child in the state home for dependent children, and shall forthwith file a petition in the proper juvenile court, for the determination of the final disposition of the child.

Sec. 6. No agency shall bring or send into the state any child for the purpose of placing him out or procuring his adoption, without first obtaining the consent of the state child welfare bureau and such agency shall conform to the rules of the bureau. It shall file with the bureau a bond in the penal sum of one thousand dollars, conditioned that it will not send or bring into the state any child, who is incorrigible or unsound of mind or body; that it will remove any such child who becomes a public charge or who, in the opinion of the bureau, becomes a menace to the community prior to his adoption or becoming of legal age; that it will place the child under a written contract, approved by the bureau, that the person with whom the child is placed shall be responsible for his proper care and training.

Sec. 7. Every agency placing a child in a home without an order of court shall enter into a written agreement with the person taking the child, which agreement

shall provide that the agency placing the child shall have access at all reasonable times to such child and to the home in which he is living, and for the return of the child by the person taking him whenever in the opinion of the agency or in the opinion of the state child welfare bureau the best interests of the child shall require it.

Sec. 8. It shall be the duty of the state child welfare bureau to pass annually on the fitness of every agency, public, semi-public or private, which engages in the business, for gain or otherwise, of receiving and caring for children or placing them in private homes. Annually and at such time as the bureau shall direct every such agency shall make a report showing its condition, management and competency to care adequately for such children as are or may be committed thereto or received thereby, the system of visitation employed for children placed in private homes, and such other facts as the bureau may require. When the bureau is satisfied that such agency is competent and has adequate facilities to care for such children, and that the requirements of the statutes covering the management of such agencies are being complied with, it shall issue to the same a license which shall continue in force for one year unless sooner revoked by the bureau. A list of such licensed agencies shall be sent by the bureau at least annually to all juvenile courts and to all the agencies so approved. No agency which has not received such license within the fifteen months next preceding, and which certificate remains unrevoked, shall receive a child for care or placing out, or place a child in another home, or solicit money in behalf of such agency. All such agencies shall be subject to the same visitation, inspection and supervision by the state child welfare bureau as are the public charitable institutions of this state.

Sec. 9. No officer, employee, or agent of the state child welfare bureau, shall directly or indirectly disclose the contents of the records herein provided for, or the particulars entered therein, or the facts learned about the children concerned, their parents or relatives except upon

inquiry before a court of record, at a coroners inquest, or for the information of the state department of public welfare, or the state board of control, or upon order of a court of record: Provided, that any person who has arrived at the age of majority and who believes himself to have been placed out by an agency reporting to the state child welfare bureau shall have the right to demand and receive from the state child welfare bureau such information as the bureau may have concerning his own parents or relatives.

Sec. 10. Every person, acting for himself or for an agency, and every officer, agent or employee of the state who violates any of the provisions of this act, or who shall intentionally make any false statements or reports to the state child welfare bureau with reference to the matters contained herein, shall, upon conviction of the first offense, be guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than fifty dollars. A second or subsequent offense shall be punished by a fine of not less than ten nor more than one hundred dollars or by imprisonment in the county jail not less than ten days nor more than three months.

Sec. 11. If any section or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases is declared unconstitutional.

Sec. 12. That sections 5831, 5833, 5834, 5835, 5836 and 5837 of the Revised Statutes of 1913 as amended by Division XI, article II, title VI, chapter 190 of the laws of 1919, (pages 789-790) and all acts and parts of acts in conflict with this act are hereby repealed.



(C) DELINQUENT CHILDREN.

**BILL NO. 9.**

STATE INDUSTRIAL SCHOOL.  
(An amendatory act)

**Abstract of Changes.**

1. Repeals sections 7373 to 7378, which are obsolete, having been supplanted by the juvenile court law, and section 1259.

2. Requires the state board of control to employ a field agent to investigate homes to which children are paroled and visit children on parole, and to transfer this function to the state child welfare bureau whenever it is equipped to do the work.

**Cross references.**

In connection with this bill, see bills 1, 2, 4, 5 and 52, noting the provision for centralizing all child placing work of the state under the child welfare bureau.

**A BILL**

For an Act to harmonize and unify the statutes dealing with juvenile delinquents, to amend section 7379 of the Revised Statutes of 1913 relating to the State Industrial School at Kearney, to repeal said original section 7379 and to repeal sections 1259, 7373, 7374, 7375, 7376, 7377 and 7378 of the Revised Statutes of 1913, relating to the State Industrial School at Kearney.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 7379 of the Revised Statutes of 1913 be amended to read as follows:

7379. Each boy committed to the school ~~under the provisions of this article~~ shall remain there until he arrives at the age of twenty-one years, unless sooner paroled or legally discharged. The superintendent by and with the advice and consent of the board of control, shall adopt such by-laws for the promotion, paroling and final discharge of inmates as may be considered mutually beneficial for the institution and the inmates, *and the board of control shall employ a field agent to investigate homes to which boys are to be paroled and regularly to visit those who have been paroled and to look after the moral and material welfare of all boys who have been inmates of the institution; Provided, that whenever the state child welfare bureau shall provide agents for the investi-*

*gation of such homes and the visitation of such paroled inmates, the board of control shall assign the work of investigating homes and visiting paroled inmates to the state child welfare bureau, which shall then act as the agent of the board of control. The discharge of any boy pursuant to said by-laws, or upon his arrival at the age of twenty-one, shall be to a complete release from all penalties incurred by the conviction of the offense for the judgment of the court by which he was committed.*

Sec. 2. That said original section 7379 and sections 1259, 7373, 7374, 7375, 7376, 7377 and 7378 of the Revised Statutes of 1913 are hereby repealed.

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## BILL NO. 10.

### GIRLS' INDUSTRIAL SCHOOL. (An amendatory act)

#### Abstract of Changes.

1. Section 7385 amended by striking out all the present section, as being ambiguous and of no effect.

2. The new section provides that girls committed to the state industrial school shall remain there until 21 years of age unless sooner paroled or discharged by the board of control, and provides for a field agent to investigate homes and visit girls on parole, and transfer of this function to the state child welfare bureau, when it is equipped to do the work.

#### Cross references.

See bills 4, 5, 8, 9 and 52, noting the centralization of all child placing work under the state child welfare bureau.

## A BILL

For an Act to amend section 7385 of the Revised Statutes of 1913 relating to the Girls' Industrial School and to repeal said original section.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 7385 of the Revised Statutes of 1913 is hereby amended to read as follows:

7385. All proceedings, service of orders, examinations, commitments and other provisions necessary to give this article full force and effect shall be made and carried out in accordance with the provisions of article XI of this

chapter, and the amendments thereto, which article, together with any and all amendments thereto, are hereby made part of this article and shall govern all commitments of girls who are fit subjects for an industrial school. *Each girl committed to the school shall remain there until she arrives at the age of twenty-one years unless sooner paroled or legally discharged. The superintendent by and with the advice and consent of the board of control shall adopt such by-laws for the promotion, paroling and final discharge of inmates as may be considered mutually beneficial for the institution and the inmates, and the board of control shall employ a field agent to investigate homes to which girls are to be paroled and regularly to visit those who have been paroled and to look after the moral and material welfare of all girls who have been inmates of the institution; Provided, that whenever the state child welfare bureau shall provide agents for the investigation of such homes and the visitation of such paroled inmates, the board of control shall assign the work of investigating homes and visiting paroled inmates to the state child welfare bureau, which shall then act as the agent of the board of control. The discharge of any girl pursuant to said by-laws, or upon her arrival at the age of twenty-one, shall be a complete release from the judgment of the court by which she was committed.*

Sec. 2. That said original section 7385 of the Revised Statutes of 1913 is hereby repealed.

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## BILL NO. 11.

### REFORMATORY FOR WOMEN. (An amendatory act)

#### Abstract of Changes.

1. Raises the minimum age at which girls may be committed to this institution from fifteen to eighteen years.
2. Places the parole power definitely in the board of control, it having been in the "parole board," the meaning of which is not clear.
3. Provides for the examination of all inmates by a clinical psychologist or psychiatrist, and requires that steps be taken for commitment of such as are found to be feeble-minded, to be per-



manently cared for either in this institution or the institution for the feeble-minded.

4 Enlarges the authority for furnishing clothing, transportation and money to girls paroled or discharged.

**Cross references.**

See bills 1 and 2.

## A BILL

For an Act to amend section 3 and section 7 of Chapter 238 of the laws of 1919 relating to the state reformatory for women and to repeal said original sections.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 3 of Chapter 238 of the laws of 1919 be amended to read as follows:

Sec. 3. A female of ~~fifteen~~ *eighteen* years of age and upwards convicted by any court or magistrate of petit larceny, vagrancy, habitual drunkenness, of being a common prostitute, or frequenting disorderly houses of prostitution, or other misdemeanor and who is not insane, nor mentally or physically incapable of being benefited by the discipline of such institution may be sentenced and committed to the ~~Nebraska~~ state reformatory for women, to be there confined under the provisions of law relating thereto. Any such female ~~may be paroled, by the parole board at any time after her commitment.~~ Such commitment shall not be made for a definite term but any such female may be paroled or discharged at any time after her commitment by the ~~parole board~~ *board of control*: Provided no such female shall be paroled while afflicted with venereal disease; Provided further, that if at the expiration of her commitment, any female is still afflicted, in the opinion of the superintendent and physician of said state reformatory for women, with a venereal disease, then any such female shall be detained at said reformatory under such rules and regulations relating thereto as shall be adopted by the state department of health: *Provided further, that the board of control shall provide for the mental and physical examination of every female cared for in such institution by a physician licensed to practice in the State of Nebraska and by a clinical psychologist*

or a psychiatrist and upon the report of such examination, if it shall appear to the said board of control that such female is feeble-minded or mentally defective and it is for the best interest of such female and for the welfare of society that such female shall be detained in an institution, then the superintendent of said reformatory shall file a petition in the county court of the county in which the reformatory is located asking for the commitment of said inmate as a feeble-minded person, to be confined at said reformatory or at the Nebraska institution for feeble-minded, under such rules and regulations relating thereto as shall be adopted by said board of control, or to be placed out on parole.

Sec. 2. That section 7 of chapter 238 of the laws of 1919 be amended to read as follows:

Sec. 7. The governing board of control state institutions may in their discretion shall furnish to each inmate who shall be discharged or paroled therefrom necessary clothing not exceeding twelve dollars in value or if discharged between the 1st day of November and the first day of April to the value of not exceeding eighteen dollars, and ten dollars in money and a ticket for transportation from such institution to the place of conviction of such inmate or to such other place as such inmate may designate of no greater distance from such institution than the place of conviction, as may be agreed upon by the superintendent and the released inmate.

Sec. 3. That said original sections 3 and 7 of chapter 238 of the laws of 1919 are hereby repealed.

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(D) COURTS AND GENERAL PROVISIONS.

**BILL NO. 12.**

JUVENILE COURT LAW.

(This repeals the present juvenile court law and enacts new provisions.)

**Abstract of Changes.**

1. It is made clear that the law provides for a juvenile court in every county (Sec. 1).



2. Concurrent jurisdiction over cases coming within the terms of this act is given to the district courts and county courts of the state without restriction. The old law provides for concurrent jurisdiction, but prohibited the exercise of such jurisdiction by judges of the county court except in the absence of the judge of the district court from the county (Sec. 1).

3. Provision is made for courts of domestic relations (provided for in bill 13) and the three courts named are given exclusive original jurisdiction of all cases covered by the act (Sec. 1).

4. The law makes it clear who shall be the judge of the juvenile court in each county. Under the present law the judge of the district court is judge of the juvenile court when present in the county. At other times the county judge is judge of the juvenile court. Under the proposed law, in every county having a resident district judge, the district judge is the judge of the juvenile court. In other counties the county judge is the judge of the juvenile court (Sec. 2).

5. Definite provisions are made for the juvenile court room and juvenile court record in all counties of the state. Provision is also made for a clerk of the juvenile court, for office stationery and equipment, and for a court reporter, by requiring the county or district court equipment to be used for the juvenile court.

6. The juvenile court is given definite authority to try all cases relating to children and the family, specified under seven heads:

The new provisions under this head are:

All cases where children under eighteen years of age are charged with violation of the law (The present law permits the trial of children sixteen to eighteen years of age either in the juvenile court or other courts).

Cases where adults contribute to the delinquency of a child (The present law does not make such provision, although the law relating to adults contributing to the delinquency of a child is compiled with the juvenile court law and the custom has been to try such cases in juvenile court).

Cases of adults charged with a breach of the compulsory education laws, the child labor laws, and laws relating to the sale of tobacco and cigarettes (Sec. 3).

7. Provisions are made for jury trial.

8. Definition of dependent and neglected children changed so as to differentiate between the two classes (Sections 6 and 7).

9. No petitions are to be filed in juvenile court, where there is a salaried probation officer, until after five days have been allowed for investigations, in order to promote the settlement of such cases out of court (Sec. 9).

10. Provisions for summons and service of notice simplified.

11. Provision is made for the examination of children by persons trained in mental diagnosis (Sec. 11) (See bill 1).

12. The provisions for the disposition of children after hearings have been clarified making a distinction between dependent and delinquent children, and prohibiting sending of a child not a delinquent to an industrial school.

13. A clear distinction is made between temporary and permanent commitments (Sec. 14).

14. The provision for voluntary relinquishment of children to child-placing organizations is changed to correspond with the changes proposed in bill 8 (Sec. 15).

15. The new law having included within its jurisdiction all cases where children under eighteen are charged with a crime, provision is made that the judge may, in his discretion, transfer such case



of a child sixteen to eighteen years of age to another court to be tried in the same manner as adults are tried (Sec. 16).

16. Amendments are made to the section prohibiting and restricting the confinement of children in jails or in places where adults are confined (Sec. 17).

17. The salary of probation officers in counties having a population of 50,000 to 100,000 is raised from \$1,200 to \$2,000 per annum (Sec. 18).

18. Probation officers are required to investigate all cases before trial (Sec. 19).

19. Provision is made for special volunteer probation officers for particular cases (Sec. 20).

20. Provision is made that the state child welfare bureau shall supervise probation officers in the keeping of records and placing of children (Sec. 21).

21. The public may be excluded from trials where no objection is made by the defendant, and juvenile court records are protected from publicity (Sec. 22).

22. Evidence produced in a juvenile court trial shall not be used against a child in any other court (Sec. 23).

23. No costs are to be charged in juvenile cases (Sec. 24).

24. The provision for detention homes is amended to provide for joint action by two or more counties and providing that any county may make temporary provision for the care of children in private homes (Sec. 26).

25. Provisions for appeal are made more definite (Sec. 27).

#### References.

Courts in the United States Hearing Children's Cases, Children's Bureau, Washington, D. C. 1920. 116 p.

Twelfth Annual Report. New York State Probation Commission. Albany, N. Y. 1919.

Massachusetts. Commission on Probation. Boston. 1919.

National Conference Social Work; 1918. pp. 39-40. 1920, pp. 104-111, 154-59. 169-75.

#### Cross references.

In connection with this bill, see bills 1, 4, 5, 6, 7, 9, 10, 13, 14, 15, 45, 48, 52 and 53.

## A BILL

For an Act to designate certain courts as "Juvenile Courts," to define their jurisdiction and powers, to define and regulate the treatment of dependent, neglected and delinquent children, to repeal sections 1244, 1245, 1247, 1248, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1258, 1259, 1260, 1261, 1262, and 1264 of the Revised Statutes of 1913, to repeal section 1246 of the Revised Statutes of 1913, as amended by chapter 116 of the laws of 1919 and section 1249 of the Revised Statutes of 1913 as amended by chapter 24 of the laws of 1915 as amended by chapter 24 of the laws of 1917 as amended by chapter 117 of the laws of 1919, and sec-

tion 1257 of the Revised Statutes of 1913 as amended by chapter 11 of the laws of 1919 and section 1 of chapter 206 of the laws of 1919, and to repeal all acts and parts of acts in conflict with this act.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. For convenience of designation and for the purpose of bringing together in one court in each county the adjudication of all matters pertaining to children, there is hereby created in each county of this state what may be called the "Juvenile Court."

The district courts of the several counties in this state, and the judges thereof in vacation shall have original jurisdiction in all cases coming within the terms of this act. The county court in each county shall have concurrent jurisdiction with the district court in all cases coming within the terms of this act. Where a proceeding has been instituted under this act before any county court the jurisdiction of that court over such proceedings shall continue until the final disposition: Provided that appeal may be taken to the district court in the same manner as is now provided by law in other similar cases. The district and county courts and courts of domestic relations, where organized, shall have exclusive original jurisdiction in all cases coming within the terms of this act.

Sec. 2. In counties where there are two or more district judges residing therein and where a court of domestic relations has not been established by law, the judges of the district court, on being inducted into office, shall select one of their number to preside over the juvenile court. The judge so selected shall serve throughout his term, unless the judges choose, in the same manner as the original selection was made, another of their number so to act. In counties where there is only one district judge residing therein, he shall serve as the judge of the juvenile court. In counties having no resident district judge, the judge of the county court shall serve as the judge of the juvenile court. The judge of the juvenile court shall have jurisdiction to hear all cases

arising under the provisions of this act and shall give precedence thereto. A special court room to be designated as the "juvenile court room" shall be provided, if practicable, for the hearing of cases arising under the provisions of this act. The findings and judgment of the court in such cases shall be entered in a book or books kept especially for the purpose, one of which shall be known as the "juvenile record." The clerk of the district court and his assistants in counties having a resident district judge or judges shall serve in the same capacity for the juvenile court, and the officers, stationery and equipment of the district court shall be used by the juvenile court, and the court reporter of the district judge presiding over the juvenile court shall serve as court reporter for the juvenile court. In all other counties of the state the clerk of the county court shall serve in the same capacity for the juvenile court and the offices, stationery and equipment of the county court shall be used by the juvenile court.

Sec. 3. The juvenile court as herein defined, shall have exclusive original jurisdiction in the following cases:

1. In all cases concerning dependent, neglected and delinquent children under eighteen years of age.

2. In all cases where children under the age of eighteen years are charged with the violation of any law.

3. In all cases where an adult is charged with contributing to the delinquency or dependency or neglect of any child.

4. In all cases involving a breach of the compulsory education laws.

5. In all cases involving a breach of the child labor laws.

6. In all cases involving a breach of the laws relating to the sale of tobacco or cigarettes or cigarette materials to minors or the use of tobacco or cigarettes by minors.

7. In all cases relating to the granting of pensions or allowances to mothers of dependent children.

In the exercise of its jurisdiction the juvenile court shall have full chancery powers:



Sec. 4. The purpose in fixing the jurisdiction of the juvenile court as provided in the three preceding sections is to give that court, in each county, jurisdiction to hear all cases relating to children and the family, so far as it can be done under the constitution. This is done in order that cases relating to family and child welfare may be centralized in one court and handled by a judge who is familiar with all phases of the cases, which are usually much interrelated. That judge can then act more intelligently in counselling with parents who appear before him or who may seek his advice.

Sec. 5. In all cases within the terms of this act where the statutes provide for a preliminary hearing or a trial before a magistrate, such preliminary hearing or trial shall hereafter be conducted by the juvenile court. In all cases under section 2 of this act where the accused person is entitled to a trial by jury and where the right to a trial by jury is not waived by the defendant, the court shall provide for the immediate trial of such case by a jury if a jury is then in attendance, and if no jury is in attendance the judge shall set down the case for trial at the earliest possible date when the jury will be in attendance; but in any case the judge of the juvenile court shall proceed to try the case without a jury except where a crime is charged which was an offense under the common or statute law at the time that the constitution of the State of Nebraska was adopted.

Sec. 6. For the purpose of this act the term "dependent child" shall mean a child under eighteen years of age whose parents, for good cause, desire to be relieved of his care and custody; or who is without a parent or lawful guardian able to provide adequately for his support, training and education, and who is unable to maintain himself by lawful employment, except such children as are herein defined as "neglected" or "delinquent."

Sec. 7. The term "neglected child" shall mean a child under eighteen years of age who is abandoned by both parents, or, if one parent is dead, by the survivor, or by

his guardian; or who is found living with vicious or disreputable persons, or is found begging, or whose home, by reason of improvidence, neglect, cruelty, or depravity on the part of parents, guardian or other person in whose care he may be, is an unfit place for such child; or whose parents or guardian neglect and refuse, when able to do so, to provide medical, surgical or other remedial care necessary for his health or well-being; or when such child is so defective in mind as to require the custodial care and training of an institution for the feeble-minded, whose parents or guardian neglect and refuse to make application for his admission to such institution, or who, being under the age of twelve years, is found repeatedly peddling or selling any article, or singing or playing any musical instrument upon the street for gain, or giving any public entertainment, or who accompanies or is used in aid of any person so doing.

Sec. 8. The words "delinquent child" shall include any child under the age of eighteen years who violates any law of this state, or any city or village ordinance, or who is incorrigible, or who knowingly associates with thieves, vicious or immoral persons, or who is growing up in idleness or crime, or who knowingly patronizes or visits a house of ill repute, policy shop, bucket shop, or place where any gambling device is or shall be operated, or who patronizes or visits any public pool room or billiard hall, or who wanders about the streets in the night time without being on any lawful business or occupation, or who habitually wanders about any railroad yard or tracks, or jumps or "hooks" on to a moving train, street car, or automobile, or who enters any car or engine without authority, or who is an habitual truant, or who habitually uses vile, obscene, vulgar, profane or indecent language, or is guilty of immoral conduct.

Sec. 9. Any reputable person being a resident of the county, or an officer of the State of Nebraska charged with the duty of enforcing the child welfare laws of the state, having knowledge of a child in any county who appears to be either dependent, neglected or de-

linquent may file with the clerk of the court having jurisdiction in the matter, a petition, in writing, setting forth the facts verified by affidavit, and it shall be sufficient that the affidavit is upon information and belief; Provided, that in counties where there is a salaried probation officer, the clerk shall refer all petitions offered for filing by persons other than a probation officer, or officer of the state, to such salaried probation officer for his approval, and no petition shall be filed without his approval until five days is given him in which to investigate the facts stated in the petition.

Sec. 10. If the child resides with, or is in the charge, custody or control of, its parent or parents, guardian, relative or other person in the county wherein the court in which the petition is filed is held, and if the summons may be served upon the person having such charge, custody or control, it shall issue out of such court, and shall be served upon that person, requiring him to appear with the child at a place and time stated in such summons, which shall be not less than twenty-four hours after service: Provided, that the person having the charge, custody or control of the child may voluntarily appear with the child and waive issuance and service of summons, and consent to a hearing of the matter at a time less than twenty-four hours from time of service.

If the child be found in the county where such court is setting, and his residence, or the residence of the person entitled to his custody or control is in some other county of this state, or is in another state, the court may upon the filing of such petition assume jurisdiction of such child, order him forthwith taken into custody by a probation officer, or some other peace officer, and cause the child forthwith to be brought before the court without summons or notice to anyone; or the court may, if deemed practicable, cause notice to be given or communicated to the person entitled to the custody of the child, by mail, telegraph, telephone, or otherwise as the court may direct, stating the fact that such child has been taken into custody and the reason therefor, and



the time and place of hearing, allowing such reasonable time between the time of giving such notice and the time of hearing as the court shall fix. If the domicile of the child, or of its custodian is in some other county of this state, the court may, in its discretion, return the child to its legal custodian or transfer the matter to the juvenile court of the county of the residence of such legal custodian, there to be dealt with as the interest of such child may require.

The court may in any case appoint some suitable person to act in behalf of the child.

If any person summoned as herein provided shall without a reasonable cause fail to appear and bring such child before the court, or shall fail to abide the orders of the court, he may be proceeded against as for contempt of court. In case the summons cannot be served, or the parties served fail to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or the person having custody of the child, or with whom the child may be, or against the child itself.

On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of any case the child may be retained in the possession of the person having charge of him, or kept in some suitable place provided by the city or county authorities, or given to any proper and accredited charitable institution.

Sec. 11. For the purpose of determining its mental and physical condition, the court may require such child to be examined by a licensed physician and by a psychologist or psychiatrist who is qualified to make mental tests, or who is trained in mental pathology. In every case where a child appears to be mentally defective, the court shall require such examinations to be made by a trained clinical psychologist or by a psychiatrist when it is possible to secure such services: Pro-

vided, that whenever the state shall establish a bureau of juvenile research, or shall employ a state psychologist or psychiatrist for the purpose of making such examinations of children brought before the courts, such services shall be rendered free to the courts of the state and the courts shall accept the services of such experts furnished by the state whenever such services are available, and the county shall not be required to pay for such service. In all other cases where an expert is employed and he makes an examination, the court shall tax a reasonable fee which shall be paid by the county.

Sec. 12. When any such child shall be found to be dependent or neglected the court may make an order committing the child to the care and custody of some suitable state or county institution as provided by law, or to the care and custody of the state board of control, or of some incorporated association willing to receive it, embracing in its objects the caring for or obtaining homes for dependent or neglected children; or the court may make a temporary disposition of such case by placing such child in a hospital or other institution for special care or treatment, or in the care of a probation officer, or of some suitable person or institution, for such period of time as the court shall see fit, not to exceed three months at one time, nor exceeding a total of one year. If it shall appear to the court during such period that the conditions which caused such child to be dependent or neglected have ceased to exist, and that it will be for the best interests of the child to be returned to the parent or person from whom he was taken, the court may release such child to the care and custody of such parent or other person.

During such period the court may provide for the reasonable expense of the maintenance of such child, such expense to be definitely fixed by order of the court and to be paid by the county; but the court may require any person who is before the court and who is legally liable for such support to pay in the first instance or to refund to the county all or any part of such cost of maintenance.

Sec. 13. When any such child shall be found delinquent the court may by order place the child on probation in the care of a probation officer, allowing him to remain in his own home, subject to the visitation of such probation officer, such child to report to that officer as often as required, and to be returned to the court for further proceedings whenever such action may to the court appear necessary; or cause the child to be placed in a suitable family home or institution, subject to the friendly supervision of a probation officer and to the further order of the court; or authorize a probation officer to board out the child in some suitable family home, if provision is made by voluntary contribution or otherwise for the payment of such board, until a suitable provision may be made for the child in a home without such payment; or if the child is over ten years of age and under eighteen, commit the child to an industrial school; or commit the child to the care and custody of the state board of control or some person or some association or institution that will receive it, embracing in its objects the care of delinquent children.

Sec. 14. In any case where the court shall find that a child should be permanently removed from the custody of its parents, or should be placed in an institution for temporary or permanent care, the court shall commit such child to the care of the state board of control or to an appropriate state or county institution, or to a suitable private child-caring agency, society or institution duly and properly certified as provided by law. Such commitments of the court shall be of two kinds, temporary and permanent, and each order of commitment shall definitely specify whether the commitment is temporary or permanent.

Temporary commitment shall be made when the court for good and sufficient reasons decides that final adjudication of the case must be delayed, or that the child can reasonably be expected soon to return to ordinary home conditions in its own family; and under such order the child may be recalled by the court for further action at any time.



Permanent commitments of dependent, neglected or delinquent children shall include and bear with them the permanent care and control of the persons of such children; and the state or county officials or other persons charged with the control and management of the public institutions to which the commitments are made, or the responsible trustees, managers, or officers of the private agencies, societies, or institutions to which the children are thus assigned, shall be accountable for the personal welfare, guidance and supervision of such wards until they are 21 years of age, or until they are otherwise disposed of by subsequent order of court.

Such board, association or individual shall have authority to place such a child in a family home with or without indenture, and with the assent of the court, may be made parties to any proceeding for the legal adoption of the child, and may by attorney or legal agent appear in any court where such proceedings are pending and assent to such adoption; and such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Any association or individual receiving the care or custody of any such child, shall be subject to visitation or inspection by the state child welfare bureau, or by any probation officer, or other person appointed by the court for such purpose, and the court may at any time require from such association or person a report containing such information as the judge shall deem proper, or necessary to be fully advised as to the care, maintenance, moral and physical training of the child, as well as the standing and ability of such association or individual to care for such child.

Sec. 15. It shall be lawful for the parents, or guardian of any child of the age of three months or over to enter into an agreement with any association or institution incorporated under the law of this or any other state, and having a license in force from the State of Nebraska, for the purpose of aiding, caring for, or placing children in homes, such agreement to provide for the surrender of such child to such association or institution,

to be taken and cared for by such association or institution, or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution by its attorney or agent to appear in any proceeding for the legal adoption of such child, and consent to its adoption; and the order of the court, made upon such consent, shall be binding upon the child and its parents or guardian, the same as if such person were personally in court and consented thereto, whether made party to the proceeding or not.

Sec. 16. When a child under the age of eighteen years is arrested with or without warrant, such child instead of being taken before a justice of the peace or police magistrate, may be taken directly before the juvenile court; or if the child is taken before a justice of the peace or police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such juvenile court, and of the officer in charge to take the child before that court. In any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition or affidavit as herein provided. The court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose. Whenever a minor sixteen years of age and under eighteen years of age, charged with a crime punishable by imprisonment in the penitentiary, is brought before a juvenile court, the judge, after investigation but before any hearing has been had, may certify the case to the appropriate court to be tried as the case would be tried if the accused were an adult.

Sec. 17 No court or magistrate shall commit a child under fourteen years of age to a jail or police station or any place where adult prisoners are confined, but he may be committed to the care of the sheriff, police officer or probation officer or other suitable person as the court or magistrate shall direct, who shall keep such child



in some suitable place provided by the city or county outside of the enclosure of any jail or police station. When any child who is fourteen and under the age of eighteen years shall be arrested or sentenced, it shall be unlawful to confine such child in the same building with such adult prisoners unless such child is kept in a separate department of such place of confinement and not allowed to come in contact with adult prisoners.

Sec. 18. In counties having a district judge or judges residing therein, the judge of the district court having charge of the juvenile docket, and in other counties the county judge, shall have authority to appoint two or more persons of good character, interested and trained in handling children, one of whom shall be a woman, to serve as probation officers during the pleasure of the court: Provided, that when a court of domestic relations shall be established in any county, the judge of that court shall appoint such probation officers for that county. Such officers shall perform the duties prescribed in this act for probation officers and such other duties as may be required by the judge of the juvenile court or the court of domestic relations, and such officers shall receive no compensation from the county except as herein provided. In counties having a population of more than fifty thousand, three probation officers, one of whom shall be designated as chief juvenile probation officer, shall be paid as other salaried county officers are paid. In counties having more than fifty thousand and less than one hundred thousand inhabitants, the chief juvenile probation officer shall receive a salary of \$2,000 per annum, and two others to be designated assistant juvenile probation officers, \$1,200 per annum, and shall be paid as other county officers are paid. In counties having over one hundred thousand inhabitants, the chief juvenile probation officer shall receive a salary of \$2,200 per annum, and there shall be three assistant juvenile probation officers, two of whom shall be women who shall receive salaries of \$125 per month. They shall be paid as other salaried officers are paid.



Sec. 19. Upon the filing with the court of a sworn petition setting forth upon knowledge or upon information and belief, the facts showing that any child resident in said county is a delinquent, dependent or neglected child within the meaning of this act, the clerk of the court shall, if practicable, give notice thereof to a duly appointed probation officer. It shall be his duty upon receiving such notice immediately to make a full investigation of the parentage and environment of the child and of all the facts and circumstances of the case; to report to the said court in writing, and to be present in court to represent the interests of the child when the case is heard. The county board shall provide for the payment of actual expenses of the juvenile probation officers incurred in the performance of their duties prescribed by the court or under its order or direction.

Sec. 20. The court may appoint as special probation officers one or more persons who are willing to serve without compensation during the pleasure of the court. Any probation officer so appointed shall become thoroughly conversant with the environment of the child for whom he is appointed; be ready to report upon the child's progress at any time; and file with the chief probation officer or the court at least monthly, or at such other times as may be required, written, particularized reports in regard to the case.

Sec. 21. The probation officers provided for in this act shall keep such records as are required by the court and by the state child welfare bureau. In the keeping of such records, and in the work of placing out children in family homes, the probation officer shall be subject to the same supervision by the state child welfare bureau as are associations incorporated for the purpose of receiving and caring for dependent children. The family homes in which children are so placed shall be subject to visitation and shall make such reports as are required by the bureau or by the court.

Sec. 22. Upon the trial or hearing of cases arising under this act the court may exclude the general public

from the room wherein such trial or hearing is had, admitting only such persons as may have a direct interest in the case, witnesses, officers of the court and accredited persons interested in the study of social conditions: Provided, that where a crime is charged no person shall be excluded from the court room whose presence is requested by the defendant. The records of all cases may be withheld from indiscriminate public inspection at the discretion of the court; but such records shall at all times be open to the inspection of any child to whom they relate, and to his parents or guardian. For the purpose of this section the records of juvenile probation officers and county detention homes shall be deemed records of the court.

Sec. 23. Any disposition of the case of a child dealt with for delinquency under this act, or any evidence given in such cause, or the statements of such child to the judge or probation officer shall not in any civil, criminal or other cause or proceeding whatever, in any court, be lawful or proper evidence against such child for any purpose; provided, however, that nothing in this section shall be construed to relate to subsequent proceedings in a juvenile court.

Sec. 24. No costs shall be taxed in any case to determine the dependency, neglect or delinquency of any child.

Sec. 25. The court in committing children under the provisions of this act, shall place them as far as practicable in the care and custody of some individual holding the same religious belief, or with some association which is controlled by persons of the same religious faith as the parents of the said child.

Sec. 26. The several boards of the counties of Nebraska shall have the power and authority to appropriate the funds necessary to establish and maintain detention homes in connection with the juvenile courts of this state, and two or more counties may join in the establishment and maintenance of such detention homes. In counties where no detention home is maintained either

by the county alone or jointly with one or more other counties the county boards shall provide funds for boarding in proper family homes such children as the judge of the juvenile court may order so boarded.

Sec. 27. In the trial of any case under the provisions of this act appeal may be had as provided by law in civil and criminal cases, respectively, from courts of the class or grade of the court which is trying the case as juvenile or domestic relations court. No appeal shall be had from the district or domestic relations court acting as juvenile court unless before the trial one of the parties shall have given notice that such appeal may be demanded and shall request that the testimony of witnesses be taken in writing. When such request is made the judge shall require the court reporter to take down in shorthand the testimony of all witnesses. When an appeal is taken the findings and judgment in a juvenile court matter shall stand pending the appeal; but the court may in its discretion, stay said judgment when the case of a child is involved upon the giving of a suitable bond for the care and maintenance of said child in wholesome and proper surrounding to be approved by the court.

Sec. 28. This act shall be liberally construed to the end that its purpose may be carried out, to-wit: That the care, custody and discipline of a dependent, neglected or delinquent child shall approximate, as nearly as may be, that which should be given by its parents, and in all cases where it can be properly done, the child shall be placed in an approved family home and become a member of the family by legal adoption or otherwise; and that so far as possible the family home shall be maintained, and parents guided and assisted in the management and care of their own children.

Sec. 29. If any section or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sent-



ence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses or phrases is declared unconstitutional.

Sec. 30. That said original sections 1244, 1245, 1247, 1248, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1258, 1259, 1260, 1261, 1262, and 1264 of the Revised Statutes of 1913 and section 1246 of the Revised Statutes of 1913 as amended by chapter 116, of the laws of 1919, and section 1249 of the Revised Statutes of 1913, as amended by chapter 24 of the laws of 1915 as amended by chapter 24 of the laws of 1917 as amended by chapter 117 of the laws of 1919, and section 1257 of the Revised Statutes of 1913 as amended by chapter 11 of the laws of 1919, and section 1 of chapter 206 of the laws of 1919, and all acts and parts of acts in conflict with this act are hereby repealed.

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## BILL NO. 13.

### COURTS OF DOMESTIC RELATIONS. (A new and independent act.)

#### Abstract of the bill.

1. Courts of domestic relations to be established in Lancaster and Douglas counties, to be presided over by judges specially elected for such courts (Sec. 1 and 2).

2. Such courts to have jurisdiction over all matters included within the jurisdiction of the juvenile court and also over cases of divorce and alimony, to compel the support of a wife or minor children by a husband and in filiation proceedings (Sec. 3).

3. Preliminary hearings in such cases to be had in domestic relations court (Sec. 4).

4. Such courts given concurrent jurisdiction with the county and district court, the purpose of the act being to provide for the trial of all cases involving children and the family in the court of domestic relations (Sec. 5).

5. Provisions are made for jury trials in cases a crime is charged which was an offense under the common or statute law when the constitution of Nebraska was adopted (Sec. 6).

6. Provision made for co-operation between these courts and the district courts of the county.

7. Provision made for execution of writs and processes by county sheriff (Sec. 8).

8. Rules and procedure of the court of domestic relations prescribed (Sec. 9, 10 and 11).

9. The clerk of the district court to serve for the court of domestic relations (Sec. 12).

10. A special court reporter to be appointed and provision to be made for court room, office help and equipment (Sec. 13, 14, 15 and 16).

## References.

The statutes of Ohio and Michigan providing for courts of domestic relations have been used as the basis for this proposed law.

Michigan, Senate Bill 65. House Bills 147, 226, Legislature of 1912.

Court of Hope and Good Will, Am. Mag. 77:24-48 Jan. 1914.

National Conference, Charities and Corrections, Proceedings 1914:26-33, 123-29.

## A BILL

For an Act to provide for and establish a Court of Domestic Relations in each county of this state having a population of upwards of fifty thousand, which shall be a court of record; to define its organization, powers, and jurisdiction, and to repeal all acts and parts of acts in conflict with this act.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. There shall be established in each county of this state which now has or at any time in the future shall have a population of upwards of fifty thousand, according to the last preceding United States census, a Court of Domestic Relations, which shall be a court of record, having one judge. The qualifications, length of term of office, method of nomination and election, and salary including time and manner of payment thereof, shall be the same as those of the judges of the district courts of the state.

Sec. 2. At the general election in 1922 and every four years thereafter the qualified electors of the counties coming within the provision of this act as to population shall elect a judge of the court of domestic relations in each of said counties, and his term of office shall begin on the first Thursday after the first Tuesday of January following his election.

Sec. 3. The court of domestic relations shall have concurrent jurisdiction with the district and county courts in all matters over which the juvenile court is given jurisdiction. The court of domestic relations shall also have concurrent jurisdiction with the district court in the following classes of cases: (1) divorce and alimony

and for the annulment of marriage; (2) to compel the support of wife or minor child by the husband or father; (3) in prosecution of the husband or father for the desertion or abandonment of wife or minor child; and (4) in filiation proceedings. In the exercise of its jurisdiction the court of domestic relations shall have full chancery powers.

Sec. 4. In all cases within the terms of this act where the statutes of the state provide for a preliminary hearing or trial before a justice of the peace or before a magistrate the court of domestic relations shall have concurrent jurisdiction to conduct such preliminary hearing or trial. The provisions of law relating to such preliminary hearings in justice courts shall apply to similar preliminary hearings or trials in a court of domestic relations, and when the accused is bound over for trial his case shall be retained for hearing in that court. When a preliminary hearing is held before a justice of the peace, county judge or any magistrate in any case coming within the terms of this act and the defendant is bound over he shall be bound over to the court of domestic relations if there be one in the same county.

Sec. 5. The purpose in fixing the jurisdiction of the court of domestic relations as provided in the two preceding sections is to give that court, in counties where established, jurisdiction to hear all cases relating to children and the family so far as it can be done under the constitution. This is done in order that cases relating to the family and child welfare may be centralized in one court and handled by a judge who is familiar with all phases of the cases which are usually much inter-related. That judge can then act more intelligently in counselling with persons seeking his advice concerning domestic troubles with a view to a reconciliation and adjustment without proceeding in court; to the end that the family and the home may be preserved and maintained.

Sec. 6. In all cases where the defendant is entitled to a trial by jury and where that right is not waived by



him the court of domestic relations shall provide for the immediate trial of such case if the jury is then in attendance; and if no jury is in attendance the judge shall set down the case for trial at the earliest possible date when a jury will be available. In any case the court of domestic relations shall proceed to trial without a jury except where a crime is charged which was an offense under the common or statute law at the time the constitution of the state was adopted. In all cases where a jury is required the jurors serving in the district court shall also serve in the court of domestic relations and the method of impaneling juries and the manner of trial by jury shall be the same in the court of domestic relations as is provided by law or custom for trials in the district court. Whenever in the judgment of the judge thereof a jury is needed in a court of domestic relations and no jury available for such service is then in attendance upon the district court the clerk of the district court acting as clerk of the court of domestic relations shall proceed to draw a panel of thirty jurors in the same manner as jurors are now drawn for service in the district court, except such drawing shall be in the presence of the judge of the court of domestic relations, and such jurors shall be drawn to serve the same time, and under the same conditions as do jurors in the district court.

Sec. 7. The court of domestic relations shall have power to issue all lawful writs and processes and to do all acts which may be necessary and proper to carry into effect the powers and jurisdiction given by this act. At the request of the judge of the court of domestic relations or in his absence from the county or during his disability on account of sickness or any legal disqualification, any judge of the district court of which said county is a part may act as the judge of the court of domestic relations. A judge of a court of domestic relations may act as a judge of a district court in any district in the state when requested by the judge of that district or upon being assigned thereto by the supreme court.

Sec. 8. It shall be the duty of the sheriff of the county to serve all writs and processes issued by any court of domestic relations which are to said sheriff directed, and to make due return of the same. For any neglect or refusal to do his duty in this regard a sheriff may be proceeded against in the court of domestic relations as he can now be proceeded against for neglect or refusal to execute or serve processes issued out of the district court. However, any summons or processes issued in a case coming within the jurisdiction of the juvenile court may be directed to any salaried probation officer of that court in the discretion of the judge thereof.

Sec. 9. In all civil actions in the court of domestic relations the provisions of the civil code relating to the district court shall apply for the commencement of such actions, for service and return of summons, for dismissal of actions, for joinder of actions, instructions to jury, and generally in regard to pleadings and motions, except where the provisions of a particular law require other or different proceedings.

Section 10. The rules of practice and procedure now applying in any district court of the county where a domestic relations court is established shall apply in that court so far as applicable in the absence of other and specific rules covering any particular point promulgated expressly for the latter court.

Sec. 11. In all cases where the judge of the court of domestic relations holds the preliminary proceedings and orders the defendant bound over the present statute relating to such cases in a court of justice of the peace shall apply. Appeals from a decision of a court of domestic relations to the supreme court of the state are expressly allowed except as modified in this act, and the procedure in such appeals shall be governed by the law covering appeals from similar cases in the district court. The court of domestic relations shall be always open for business except on Sundays and legal holidays; but for the purpose of appeals only the time of adjournment of the district court of the same county shall be

accepted as the date of the adjournment of the court of domestic relations.

Sec. 12. The clerk of the district court shall be the clerk of the court of domestic relations of the same county and shall keep a full and complete record of the proceedings of that court in the same manner as similar records are kept for the district court. Where the needs of the business demand, said clerk is hereby authorized to appoint a deputy expressly to do the work of the court of domestic relations. The law covering the powers and duties of the clerk of the district court shall, so far as applicable, apply to his duties and powers as clerk of the court of domestic relations.

Sec. 13. The judge of the court of domestic relations shall have power to appoint a stenographic reporter who shall have the same qualifications and perform the same duties and be paid the same salary and fees and in the same manner as the stenographic reporter of a district judge. Said stenographic reporter shall hold office during the pleasure of the judge appointing him.

Sec. 14. The county board of a county having a court of domestic relations shall provide a suitable court room for that court and suitable room for the judge thereof and such board shall also provide such additional help, office supplies and equipment as shall be needed properly to conduct the business of the court.

Sec. 15. The judge of the court of domestic relations shall also have power to appoint a bailiff who shall hold his position during the pleasure of the judge so appointing. Said bailiff shall receive the same salary and perform the same duties as is received and performed by a bailiff of a judge of the district court of the same county.

Sec. 16. Each judge of the court of domestic relations and stenographic reporter appointed to serve in said court shall take the oath prescribed by the constitution of this state, which oath shall be filed in the office of the clerk of said county.

Sec. 17. No person shall appear in the court of domestic relations to represent another or to act as an at-



torney therein for any person other than himself unless he is regularly admitted to practice as an attorney before the supreme court of this state, provided, however, that anyone may appear in his own behalf or in behalf of his child or ward in any court of domestic relations.

Sec. 18. If any clause, sentence, paragraph or part of this act shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this act, but shall be confined in its operation to the clause, sentence, paragraph or part directly involved in the controversy in which such judgment shall have been rendered.

Sec. 19. All acts and parts of acts in conflict herewith are hereby repealed.

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## BILL NO. 14.

### PROBATION OFFICERS. (An amendatory act)

#### Abstract of Changes.

1. The county superintendent of child welfare may act as probation officer.

2. When court of domestic relations is established, all salaried probation officers shall be appointed by the judge of the court of domestic relations.

3. Salaries of probation officers in counties having less than 50,000 population are raised from \$720 to \$1,200 per annum.

#### Cross references.

In connection with this bill, see bills 12 and 13.

## A BILL

For an Act to amend section 9145 of the Revised Statutes of 1913 as amended by section 1 of chapter 168 of the laws of 1915 as amended by section 1 of chapter 132 of the laws of 1919 relating to probation officers and to repeal said original section.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 9145 of the Revised Statutes of 1913 as amended by section 1 of chapter 168 of the laws of 1915 as amended by section 1 of chapter 132 of the laws of 1919 is hereby amended to read as follows:

9145. The judges of all courts of record in the state may from time to time appoint a person or persons to perform the duties of probation officer ~~or officer~~, as hereinafter described, within the jurisdiction of the courts of such judges and under the direction of such judges, to hold office during the pleasure of the judge or judges making such appointment; and one copy of the order of appointment must be delivered to the officer so appointed, and one copy filed with the county clerk. Any officer or member of the police force of any city or incorporated village who may be detailed to do duty in such court, or any constable or peace officer, or *any county superintendent of child welfare or his assistant* may be appointed as probation officer upon the order of any magistrate as herein provided. No probation officer appointed under the provision of this section shall receive any compensation for his service as such probation officer except as herein provided; but this shall not be construed to deprive any officer or member of the police force, or any constable or peace officer or *any county superintendent of child welfare or his assistant*, appointed probation officer as herein provided from receiving the salary attached to his official employment. In counties having a population of more than fifty thousand the judge of the district court having charge of the juvenile docket shall appoint one probation officer who shall be designated, "chief adult probation officer" who shall be paid as other salaried county officers are paid: *Provided that if a court of domestic relations is established by law in such counties, then the judge of the court of domestic relations shall appoint such probation officer.* The chief adult probation officer in counties having a population of more than one hundred thousand shall receive a salary of \$1,500 per annum. The chief adult probation officer in counties having a population of more than fifty thousand and less than one hundred thousand shall receive a salary of \$1,200 per annum: *Provided, that in any county having a population of fifty thousand or over if there shall be a county superintendent of child welfare provided by law*

*such county superintendent of child welfare or his assistant may be appointed to serve in place of such salaried chief adult probation officer without additional compensation. He shall have general supervision of the work of all the probation officers in his county, except the probation officers of the juvenile court, and he shall serve in all the courts in his county at the request of the judges holding such courts except that in the juvenile court he shall not be required to serve as probation officer for children under the age of eighteen years. In counties having a population of under less than fifty thousand, the judge of the county court shall appoint one probation officer who shall be designated "chief adult probation officer" who shall be paid as other salaried county officers are paid. He shall have general supervision of the work of all probation officers in his county, and he shall serve in all the courts of record of the county, at the request of the judges holding such courts. He shall also perform the duties of probation officer for the juvenile court as prescribed by law. In counties having a population of less than fifty thousand, the chief probation officers shall receive as compensation for their services such amount as the county commissioners shall determine, not exceeding seven hundred twenty dollars twelve hundred dollars per annum: Provided, that in any county having a county superintendent of child welfare, he may be appointed to serve in place of the salaried probation officer without additional compensation. In counties having less than twenty thousand population the sheriff shall perform all the duties of probation officer. Provided further, that the Board of Supervisors or Commissioners of counties having less than twenty thousand population may authorize the county judge to appoint some person other than the sheriff of the county who shall perform the duties of probation officer, and such board shall fix the compensation of such office.*

Sec. 2. That said original section 9145 of the Revised Statutes of 1913 as amended by section 1 of chapter 168 of the laws of 1915 as amended by section 1 of chapter 132 of the laws of 1919 is hereby repealed.



## BILL NO. 15.

### CHILDREN IN HOUSES OF ILL REPUTE. (An amendatory act)

#### Abstract of Changes.

1. Probation officers and county superintendents of child welfare added to the list of officials authorized to rescue children from immoral surroundings.

2. Juvenile courts and courts of domestic relations given jurisdiction in place of county judges.

#### Cross references.

In connection with this bill, see bill 53.

### A BILL

For an Act to amend sections 8797 and 8798 of the Revised Statutes for 1913 relating to neglected children and granting additional powers for their reclamation and to repeal said original sections.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 8797 of the Revised Statutes of 1913 be amended to read as follows:

8797. It shall be lawful for any sheriff, constable, chief of police or any policeman or city marshal, *or any probation officer or county superintendent of child welfare* or any officer or agent of the Nebraska Humane Society ~~or any other~~ humane or charitable society, to enter any house of ill fame to search for any such ~~children~~ *child* allowed, kept maintained or harbored therein, and to institute and maintain proceedings in habeas corpus to remove such ~~children~~ *child* from such houses of ill fame or bad repute; and it shall only be necessary to prove that such house from whence it is sought to remove such ~~children~~ *child* is by common repute a house of ill fame or of notoriously bad repute or kept and run for the purpose of prostitution, to establish the unlawful detention, and depriving such ~~children~~ *child* of its liberty.

Sec. 2. That section 8798 of the Revised Statutes for 1913 be amended to read as follows:

8798. The ~~county judges~~ *juvenile courts and courts of domestic relations* in their respective counties shall have jurisdiction in such cases as in habeas corpus, and upon proof being made, as provided in the next preceding

section, may, in their discretion, order such children removed from said houses of ill-fame or bad repute and placed in charge of *the Nebraska home for dependent children* or of any of the above named societies, or *in the county detention home* or with such discreet person or persons as may desire to take them until suitable permanent homes may be provided for them, or until such children may be permanently adopted, which the said judges in their discretion may order.

Sec. 3. That said original sections 8797 and 8798 of the Revised Statutes of 1913 are hereby repealed.

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### BILL NO. 16.

#### OBSOLETE SECTIONS REPEALED.

##### Abstract of Changes.

1. Sections 1671 and 1672 repealed as being adequately covered by the present, and the proposed juvenile court laws.

### A BILL

For an Act to repeal sections 1671 and 1672 of the Revised Statutes of 1913, relating to the appointment of guardian.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That sections 1671 and 1672 of the Revised Statutes of 1913 are hereby repealed.

## Chapter II.

### EDUCATION AND CHILD LABOR.

#### (A.) EDUCATION.

#### BILL NO. 17.

#### COMPULSORY EDUCATION LAW.

(An amendatory act)

##### Abstract of Changes.

1. The distinction made between city and rural school districts is eliminated and the law applied with equal force to city and rural districts.

2. Every person in the state of Nebraska having actual control of any child 7 to 16 years of age is required to send such child to school regularly during the full school year as maintained by the public schools of the district, unless the child has graduated from the public school of the district, or a school of equal grade.

3. If there is no high school in the district, but one is located within three miles or free transportation is furnished, a child shall be required to attend until 16 unless he has graduated from such high school.

4. Persons having actual control of children 16 to 18 years of age shall likewise require them to attend school unless they have graduated from the public school of their district, or a school of equal grade unless their services or earnings are needed, in which case the school superintendent may grant a permit for such child to be employed.

5. Children 16 to 18 years of age who are employed, living in districts where part time continuation schools are maintained are required to attend such continuation schools eight hours per week.

6. Exemption is made for children living three miles or more from the nearest school instead of two miles as in the present law.

7. Children claiming exemption on the ground of mental or physical incapacity are to be examined by persons skilled in mental diagnosis as well as by physicians.

8. No exemption granted, as in the present law, to children 14 to 16 years of age whose earnings are needed for the support of themselves or parents. See paragraph 10 below.

9. Attendance at night schools not required, as in the present law.

10. Scholarships may be granted by school boards to enable children 14 to 16 years of age, whose parents are in need of their services, to attend school.

11. Compulsory attendance at the state schools of the deaf and blind is required as in the present law, but the age limit is raised from 18 to 20 years and special provision is made for taking the census of and reporting all such cases of deaf and blind children.

12. Provisions for the enforcement of this law are strengthened by requiring weekly reports of absences and withdrawals, and complete monthly reports, by teachers to the city or county superintendents.



13. Section 6925 relating to the appointment of attendance officers is entirely rewritten, so as to require boards of education in cities of 5,000 population and over to appoint attendance officers; county boards of child welfare to appoint county attendance officers, to act in districts not having district attendance officers; and requiring prompt investigation and prosecution of cases of non-attendance by the attendance officers.

14. A new section is added providing for state supervision of the enforcement of this law by the state superintendent of public instruction.

#### References.

Statistics of State School Systems, and The States and Child Labor, Bureau of Education, Washington, D. C. 1920. Bulletin 11.

State Laws Relating to Education Enacted in 1915-1916 and 1917. Bulletin 23, 1918, and A Manual of Educational Legislation, Bulletin No. 4. Bureau of Education, Washington, D. C. 1919.

Every Child in School. United States Children's Bureau. Publication 64.

Review of Education Legislation. United States Bureau of Education. Bulletin 13, 1913.

Causes of Absence from Rural Schools in Oklahoma. National Child Labor Committee.

Brief Favoring the Adoption of a Constitutional Provision for a State School Tax. T. V. Goodrich.

#### Cross references.

In connection with this bill, see bill 53.

## A BILL

For an Act to regulate public, private, denominational and parochial schools, to provide for compulsory attendance therein and to provide for a procedure for its enforcement including penalties, and to amend sections 6924 and 6925 of the Revised Statutes of 1913 as amended by the laws of 1919, chapter 155, sections 1 and 9, and section 6928 of the Revised Statutes of 1913, and to repeal said original sections.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 6924 of the Revised Statutes of 1913 as amended by the laws of 1919, chapter 155, section 1 is hereby amended to read as follows:

6924. In school districts other than city and metropolitan city school districts every person, having a legal or actual charge or control of any child or children or youth not less than seven nor more than sixteen years of age, shall, during each school year between the second Monday of July and the last Monday of June following, cause such child or

children or youth to attend the public, private, denominational or parochial day schools for a period of not less than twelve weeks, and if the public day school of the school district in which the person or persons, having charge or control of such child or children or youth, may reside shall be in session during the school year between the second Monday of July and the last Monday of June following, more than twelve weeks, then the person having legal control of such child or children or youth shall cause each of them to attend such public, private, denominational or parochial day school not less than two-thirds of the entire time the public schools shall be in session during the school year as aforesaid; and in no case shall such attendance be for a less period than twelve weeks. In city and metropolitan city school districts.

(a) Every person residing within such school district, *the State of Nebraska* who has legal or actual charge or control of any child or children or youth not less than seven nor more than sixteen years of age, shall cause such child or children or youth to attend *regularly* the public, private, denominational or parochial day school for the full period of each school year in which the public day schools of such school district are in session, *unless such child has graduated from the high school maintained by the district in which he resides or from a high school of equal grade; or if no high school is maintained by the district in which it resides, has graduated from the school maintained in the district-or from a school of equal grade: Provided, that any child residing in a district which does not maintain a high school but within three miles of a public high school, or residing in a district where free transportation and tuition is furnished by the district to children attending a public high school in another district shall be required to attend such high school the same as would be required if such high school were maintained in the district in which the child resides.*

(b) *Every such person who has legal or actual charge of any child sixteen years of age and less than eighteen years of age shall cause him to attend regularly the public, private, denominational or parochial day schools for the*



full period of each school year in which the public day schools of such district are in session, unless such child has graduated from the high school maintained in the district in which he resides or from a high school of equal grade; or if no high school is maintained in the district in which he resides has graduated from the school maintained in the district or a school of equal grade: Provided, that in case the services or earnings of such child are necessary for his own support or the support of those actually dependent upon him, the person having legal or actual charge of such child who has completed the work of the eighth grade, may apply to the superintendent or principal of the school district in which the child resides in all districts except those organized under Article III of Chapter 71 of the Revised Statutes of 1913, in which districts application shall be made to the county superintendent of schools: and the superintendent or principal may, in his discretion, issue a permit allowing such child or youth to be employed. All work permits issued under the provisions of this sub section shall be issued by the same person and in the same manner but of different form and color from work permits issued for children under sixteen years of age as provided by law. All children who are sixteen years of age, and less than eighteen years of age, residing in districts where a part time continuation school is maintained by authority of the public school district, who are granted permits to be employed under the provisions of this sub section, shall be required to attend a public, private, denominational or parochial part time continuation school eight hours each week during the entire school year.

(c) The portion of this ~~article act~~ requiring attendance in public, private, denominational or parochial day schools shall not apply in case where the child or youth being of the age of fourteen years is legally and regularly employed for his own support or the support of those actually dependent upon him; or in any case where the child or youth is physically or mentally incapacitated for the work



done in the schools or in any case where the child or youth lives more than ~~two~~ *three* miles from the school by the nearest practicable traveled road unless free transportation to and from such school is furnished to such child or youth. In case exemption is claimed on account of mental or physical incapacity the *public* school authorities shall have the right to employ a physician or physicians *or a person skilled in mental diagnosis* who shall ~~have authority to~~ examine such child or youth and if such physician or physicians *or person skilled in mental diagnosis* shall declare that such child or youth is capable of undertaking the work of the schools, then such child or youth shall not be exempt from the requirements of this ~~article~~ *act*.

(d) In case exemption is claimed and granted on account of a child or youth of the age of fourteen years being legally and regularly employed for his own support or the support of those dependent upon him, such child or youth may in the discretion of those charged with the enforcement of this article, be required to attend a public, private, denominational or parochial evening school for not less than two hours each school day and not less than three days each week for a school year of not less than ~~twenty~~ weeks. When the attendance officer is satisfied that any child fourteen years of age or over and under sixteen years of age, compelled to attend school by the provisions of this act is unable to do so because needed to work at home or elsewhere in order to help support himself or others legally entitled to his services such officer shall report such case to the board of education or the school board which may grant such child assistance to be known as a scholarship, to be granted under such terms and conditions as the board shall determine, provided that the amount of such assistance shall not exceed twenty dollars per month for any one child; and such scholarship shall be paid out of the funds of the school district in the same manner that other expenses of the district are paid.

(e) All persons of from seven to ~~eighteen~~ *twenty* years of age who are residents of this state, and who by

reason of partial or total blindness or deafness are unable to obtain an education in the public, private, denominational, or parochial schools of this state, shall under the provisions of this ~~article~~, *act*, be required to attend the ~~Institute~~ *School for the Blind or the School for the Deaf* until graduated or discharged by the superintendent of such school unless such persons are being privately or otherwise educated, or unless *by reason of mental or physical incapacity* they are not subjects for admission to the ~~Deaf and Dumb and Blind Institute of the state of Nebraska~~ *School for the Blind or to the School for the Deaf*.

(f) It is hereby made the duty of each teacher in all of the public, private, denominational and parochial schools of this state to keep a record showing the name and age *and address including the number of the school district and the county of the children each child* enrolled, the number of the school district in which said school is located ~~and the county of their residence~~, the number of days each pupil was present and the number of days absent, *and the cause of absence*. ~~and at the end of each month of school to make and furnish a report to the county superintendent and a duplicate thereof to the director or secretary of the school district in which such child or children reside on blanks to be furnished or prescribed by the State Superintendent of Public Instruction, which report shall cover said items of record as above,~~ *On the third day on which the public, private, denominational and parochial schools are in session at the beginning of each school year, it shall be the duty of each teacher to send to the county superintendent a list of the pupils enrolled in his or her school with the age, grade and address of each, except that in such districts organized under the provisions of Articles XXII, XXIII and XXIV of this chapter metropolitan cities and cities of the first class such report shall be made to the superintendent of the city school of such district. It is hereby made the duty of such county or city superintendent, upon the receipt of the report such list for the first month of school in the district and in each*



~~two weeks thereafter~~, to compare *the names of the children enrolled such reports* with the last census report on file in his office from such district, ~~and~~ to prepare a list of all children or youth resident in such district *under his jurisdiction* who are not ~~receiving instruction attending school~~, as in this ~~article act~~ provided, and to transmit the list to the officer or officers in such district whose duty it is to enforce the provisions of this ~~article act~~.

(g) *Whenever any child shall enter or withdraw from any school after the third day in which said school is in session it shall be the duty of the teacher to transmit at once the name of such child to the county or city superintendent as specified in the preceding sub-section who shall use such information in whatever way he shall deem necessary for the purpose of enforcing this act. At the end of each week each teacher shall report all absences and the cause of absence to the proper superintendent. At the close of each school month each teacher shall transmit to said superintendent a report giving the name, age and address of each child enrolled and showing the number of half days each child was absent. Said monthly report shall also show the number enrolled and the number belonging on the last day of the month and the average daily attendance for the month. The provisions of this section requiring reports from each teacher shall not apply to individual teachers in schools employing more than one teacher but shall in such case apply to the head teacher or principal or superintendent who shall obtain the required information from the teachers under his supervision or control. All reports and lists required in this section shall be upon blanks prescribed by the state superintendent.*

(h) All private, denominational and parochial schools in the State of Nebraska and all teachers employed or giving instruction therein shall be subject to and governed by the provisions of the general school laws of the state so far as the same apply to grades, qualification and certification of teachers and promotion of pupils. All private, denominational and parochial schools shall have



adequate equipment and supplies and shall be graded the same and shall have courses of study for each grade conducted therein substantially the same as those given in the public schools where the children attending would attend in the absence of such private, denominational or parochial schools.

Sec. 2. That section 6925 of the Revised Statutes of 1913 as amended by the laws of 1919, chapter 155, section 9 is hereby amended to read as follows:

6925. Boards of education in cities, villages and metropolitan cities shall appoint one or more truant officers, who shall qualify as police officers; shall enforce the provisions of this law in the wards or district for which they severally act; shall have authority to apprehend and take to his home or to some public, private, denominational or parochial school any child found in violation of this article, shall be compensated for his or their services in such sums as shall be determined by the Board of Education to be paid out of the general school fund of the city or village. In all school districts in this state, any superintendent, principal, teacher or member of the Board of Education, who shall know of any violation of this article on the part of any child or children of school age, their parents, or the persons in actual or legal control of such child or children or any other person, shall as soon as possible report such violation to the superintendent of public instruction of the county who shall immediately investigate the case and, if necessary give written notice to the person or persons violating this article warning him or them to comply with its provisions and if in one week from the time such notices are given, such person or persons are still violating this article, then such county superintendent shall file a complaint against such person or persons before the county judge of the county charging such persons with violation of the provisions of this article: Provided if the violation occurred within any city or village the superintendent of said city or village may, in his discretion, file such complaint before the police judge or police magistrate of such city or village. *Boards of Education in metropolitan cities and cities of the first class shall appoint one or more attend-*

ance officers who shall be vested with police powers and shall enforce the provisions of this law in the districts for which they severally act. In each county of the state the county board of child welfare shall appoint one or more attendance officers who shall be vested with police powers and shall enforce the provisions of this act in districts other than metropolitan cities and cities of the first class: Provided that in any county where a county superintendent of child welfare is appointed according to law, such county superintendent of child welfare may be authorized to act as such attendance officer when so ordered by the county board of child welfare. Attendance officers for districts in metropolitan cities and cities of the first class shall be compensated for their services in such sums as shall be determined by the board of education, to be paid out of the general school fund of the district. County attendance officers shall be compensated for their services in such sums as shall be determined by the county board upon recommendation of the county board of child welfare to be paid out of the general fund of the county. In all school districts in this state any superintendent, principal, teacher or member of the board of education who shall know of any violation of this act on the part of any child or children of school age, their parents or the persons in actual or legal control of such child or children or on the part of any other person, shall within three days report such violation to the city superintendent of schools in districts having an attendance officer and in other districts to the county superintendent of schools. The city or county superintendent of schools shall immediately cause an investigation of the case to be made by the attendance officers. When of his personal knowledge or by report or complaint from any resident of the district or by report or complaint as provided herein the attendance officer believes that any child is unlawfully absent from school, he shall immediately investigate and render all service in his power to compel such child to attend some public, private, denominational or parochial school which



*the person having control of the child shall designate, or, if over sixteen and under eighteen years of age, to attend school or become regularly employed at home or elsewhere. Upon failure to do so, he shall serve a written notice on the person or persons violating this act warning him or them to comply with its provisions; and, if in one week from the time such notices are given such person or persons are still violating this act then such attendance officers shall file a complaint against such person or persons before the judge of the juvenile court of the county charging such person with violation of the provisions of this act: Provided that if after such notice shall have been sent to any person or persons violating this act such person or persons may again violate the same act no written notice shall be required but a complaint may be filed at once.*

Sec. 3. That section 6928 of the Revised Statutes of 1913 is hereby amended to read as follows:

6928. In order that the provisions of this article may be better enforced it is hereby ordered that all enumerators of persons of school age, in taking *the* annual school census, shall ascertain and record the place and date of birth of each child enumerated, together with the school or schools attended, or the place or places in which, or the person or persons by whom such child was instructed during the preceding school year; *and also shall ascertain and record the name, the date and place of birth, color, sex and postoffice address of each person of school age resident within the school district who is blind, deaf, crippled or feeble minded and the person having control of such child shall take oath or affirmation that such record is true. The name, date and place of birth, color and sex of each blind, deaf, crippled or feeble-minded person thus obtained by the enumerator shall be sent by said enumerator with full name and postoffice address of parent or guardian of such person to the county superintendent of said county, and be immediately sent by the county superintendent to the superintendent of the School for the Blind, if such person is blind, and*



*to the superintendent of the School for the Deaf if such person is deaf, and all the above data shall be sent to the director of the state child welfare bureau.*

The enumerator is hereby empowered to administer such oath or affirmation. Any person who shall refuse to take such oath or affirmation, or who shall with intent to evade any of the provisions of this ~~article~~ act wilfully make any false statement concerning any child or children under his control and subject to the provisions of this ~~article~~ act or any person charged with the enforcement of the provisions of this act who shall wilfully fail to carry out the provisions of the same shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than ~~one~~ ten dollars and not more than ~~ten~~ fifty dollars.

Sec. 4. *It shall be the duty of the state superintendent of public instruction to formulate such rules and regulations, and to provide such assistants in his office, as shall be necessary for the proper and uniform enforcement of the provisions of this act in cooperation with local school authorities. In case any city or county fails to provide attendance officers as herein prescribed, it shall be the duty of the state superintendent of public instruction to appoint such attendance officers who shall be paid from the district and county funds in the usual manner. In case any school district, in the judgment of the state superintendent of public instruction, wilfully omits and refuses to enforce the provisions of this act, after ten days written notice, said superintendent may withhold the state apportionment of school funds for such school district, so often and so long as such willful omission and refusal shall, in his judgment, continue.*

Sec. 5. *If any section or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that*

*any one or more sections, subdivisions, sentences, clauses, or phrases is declared unconstitutional.*

Sec. 6. That sections 6924 and 6925 of the Revised Statutes of 1913 as amended by chapter 155 of the laws of 1919 and section 6928 of the Revised Statutes of 1913 are hereby repealed.

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## BILL NO. 18.

### PART-TIME SCHOOLS. (An amendatory act)

#### Abstract of Changes.

1. The age for children required to attend such schools is changed from fourteen to sixteen years, as in the present law, to sixteen to eighteen in the proposed law.

2. Persons over 21 years of age are not excluded from attending such schools as in the present law.

3. Attendance at such part-time schools by such children regularly employed is made compulsory unless such children have graduated from the high school of the district.

#### Cross references.

In connection with this bill, see bill 17.

## A BILL

For an Act to amend section 7 of Chapter 267 of the laws of 1919 relating to part-time schools and to repeal said original section.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 7 of chapter 267 of the laws of 1919 is hereby amended to read as follows:

Sec. 7. The board in control of the public school of any public school district in the state having at least fifteen children between the ages of ~~fourteen~~ *sixteen* and ~~sixteen~~ *eighteen* years ~~who hold employment certificates in force~~ *who are regularly and legally employed* shall establish a part-time school or class and shall require ~~minors holding such employment certificates~~ *such children* to attend said school or class regularly for not less than eight hours a week while so employed and until they reach the age of ~~sixteen~~ *eighteen* years: Provided that no person over sixteen and ~~under twenty-one~~ years of age *who is regularly and*

*legally employed* shall be barred from attendance upon said part-time schools or classes.

*Every person residing within the state of Nebraska who has legal or actual control of any minor or minors between the ages of sixteen and eighteen years who are regularly and legally employed shall cause such minor or minors to attend regularly upon such part-time school or class as shall be established in accordance with this act. It shall be unlawful for any regularly and legally employed minor between the ages of sixteen and eighteen years to fail or refuse to attend such part time school or class.*

If any such minor between the ages of ~~fourteen and sixteen~~ shall fail to attend regularly upon such part time school or class as herein required the employment certificate of such minor shall be cancelled. It shall be unlawful for any person, firm or corporation to employ any such minor between the ages of ~~fourteen sixteen~~ and ~~sixteen eighteen~~ years of age for more than forty hours in any one week, nor more than eight hours in any one day, nor before the hour of six o'clock in the morning or after the hour of eight o'clock in the evening, nor unless such minor shall attend regularly upon such part-time school or class as herein required, *unless such minor has graduated from the high school of the district in which he resides or from a school of equal grade or unless such minor is exempt from the requirements of this article by reason of physical or mental incapacity for the work to be done in the schools as provided in sub-section (d) of section 692 $\frac{1}{2}$  of the Revised Statutes of 1913 as amended by chapter 155 of the laws of 1919 as amended by House Roll 100.* Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five dollars nor more than twenty-five dollars for each offense.

The local board of any such school district is hereby authorized to raise and expend moneys for the support of such part-time schools or classes in a manner similar



to that by which moneys are raised and expended for other school purposes, provided that said boards may make a levy sufficient to cover expenses of such schools over and above the amount now provided for school purposes. Such part-time schools or classes shall be organized in accordance with the rules and regulations which may be established by the state board of vocational education. Such part-time schools or classes shall provide instruction which shall continue education in elementary or secondary school subjects or instruction supplementary to the employment in which such minors over ~~fourteen~~ *sixteen* and under ~~sixteen~~ *eighteen* years of age are engaged. Whenever such part-time schools or classes shall be established they shall share in any federal and state funds available for the promotion and support of vocational education in the State of Nebraska.

Sec. 2. That section 7 of chapter 267 of the laws of 1919 is hereby repealed.

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## BILL NO. 19.

INCREASING THE LENGTH OF THE SCHOOL TERM REQUIRED.  
(An amendatory act)

### Abstract of Changes.

1. The minimum length of school term required by law is raised from 4, to 6 months, and in districts having ten or more pupils of compulsory school age to nine months.

2. Every school is required to maintain nine months school, instead of eight months, as in the present law, where such school can be secured by a levy of 40 mills instead of 15 mills as in the present law.

3. Where less than 5 children of compulsory school age are found in any district, the school board may use the school funds to provide for the board and transportation of such children while attending school in another district.

4. Sections 6749 and 6751 providing for state aid to weaker districts is amended so as to require each district before receiving such aid to levy a tax of 40 mills instead of 35 mills and making an allowance to such district sufficient to bring up the total funds of the district to the sum of \$1,000 in districts having 10 or more children of compulsory school age, and to \$700 in districts having five and under ten children of compulsory school age, and to provide at least \$120 for each child in districts having less than five children of compulsory school age. The present law provides for state aid only in sufficient amount to bring up the total fund of the district to \$385.

References.

Report of Special Commission on Revenue and Taxation, Lincoln, Nebraska. 1915.

Cross references.

In connection with this bill, see bill 20, page 141.

## A BILL

For an Act to require the maintenance of school at least nine months in each year in each school district of the state with certain exceptions, to provide state aid for school districts whose funds are not sufficient to maintain school for nine months and to amend section 6745 of the Revised Statutes of 1913 as amended by chapter 116 of the laws of 1915 as amended by chapter 119 of the laws of 1917 and to amend sections 6749 and 6751 of the Revised Statutes of 1913 and to repeal said original sections.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 6745 of the Revised Statutes of 1913 as amended by chapter 116 of the laws of 1915 as amended by chapter 119 of the laws of 1917 be amended to read as follows:

6745. They shall also determine at each annual meeting the length of time the school shall be taught in the district in the ensuing year, which shall not be less than ~~four~~ *six* months by a legally qualified teacher in a district having less than ~~twenty~~ *ten* pupils ~~of school age;~~ *who are seven years old and under sixteen nor less than eight months in districts having between twenty and seventy-five pupils inclusive nor less than nine months in districts having more than seventy-five ten or more pupils who are seven years old and under sixteen:* Provided, school shall be taught in every such district for at least ~~eight~~ *nine* months in the year when *the* same can be supported by a levy of ~~fifteen~~ *forty* mills on the dollar *assessed* valuation in such school district when supplemented by the district apportionment from the state school fund; ~~and~~ *for at least seven months in the year when the same can be supported by similar levy of twenty mills supplemented as above.* *Provided that in any district where there are*

*less than five children who are seven years of age and less than sixteen years of age residing in the district, the school board may use the school funds of such district received from any source to provide for the board and transportation and other expenses of such children while attending school in another district as may be arranged by the school board of said district. They may also determine, and instruct the district officers as to, the different lengths of the terms of school and seasons of the year in which the same shall be taught and the district officers shall see that school is actually taught therein by a licensed teacher in conformity to such instructions and for not less than the length of time herein required. No district shall receive any portion of the state funds unless school shall have been actually taught therein for the length of time required by this act or unless the pupils residing therein have attended school in another district for the length of time required by law: Provided, in case of epidemic sickness prevailing to such an extent that the school board in any district shall deem it advisable to close any or all schools within the district, or if on account of the destruction of the school house it shall be impossible to continue the school, such closing of the school shall not prevent it from drawing its proper share of the state apportionment. Such sickness or destruction of school house shall be sworn to by the district board and the oath filed with the county superintendent within ten days after the annual school meeting: Provided, further, that no district shall be deprived of its proportionate share of the state school funds when it shall appear by the affidavit of the district board to be made and filed, as aforesaid, that the district has in good faith raised and expended the maximum tax allowed by law and the funds raised have been insufficient to maintain a school for the time herein provided.*

Sec. 2. That section 6749 of the Revised Statutes of 1913 is hereby amended to read as follows:

6749. For the purpose of providing ~~at least seven months~~ school each year in the first eight grades *for the*



*number of months required by this act for all the youth of this state whose parents or guardians live in public school districts whose funds are not sufficient to maintain school for ~~at least seven months~~ the required length of time there shall be paid to each district by the state treasurer such an amount as is necessary to enable such district to maintain ~~seven~~ nine months of school with a legally qualified teacher if there are ten or more children residing in the district who are seven years old and under sixteen years old; and to maintain six months of school if there are less than ten such children: Provided that no state aid shall be given any public school district unless there has been levied ~~the maximum tax levy allowed by law~~ a tax of forty mills and until the accounts of such district are audited and approved by the county superintendent of the proper county; and provided, further, no district containing less than twelve sections of land shall receive any aid under the provisions of this and the two next following sections; and provided further, where a district maintains more than one separate rural school, there shall be paid to such district for each school maintained such amount as is necessary to enable the district to maintain ~~seven~~ nine months of school with a legally qualified teacher in each such school if there are for each such school ten or more children residing in the district who are seven years old and under sixteen years old; and to maintain six months of school if there are less than ten such children for each such school: Provided, no district maintaining more than one rural school shall receive a share of apportionment for any school maintained in and for a division of territory less than twelve square miles; provided further, no district formed after March 11, 1913, containing less than twenty square miles, shall receive state aid under this and the next two following sections. Funds derived from this appropriation can be applied only in payment of teachers' warrants for the current year: Provided further, where a district contains less than twelve sections of land and has voted the maximum levy in accordance with the statute, the state superintendent*

of public instruction, may, with the consent and advice of the county superintendent, arrange for the schooling of the children in said district for the period of seven months or pro rata in accordance with the law: provided, further, where topographical conditions make consolidation impossible, the state superintendent of public instruction may at his discretion award aid to districts containing less than twelve sections.

Sec. 3. That section 6751 of the Revised Statutes of 1913 is hereby amended to read as follows:

6751. To determine the amount to be apportioned to each district, the county superintendent shall find the estimated expenditures of the district for the current year and subtract therefrom the estimated income of that district from all sources for the same year. The estimated income for the current year shall be the sum of all moneys belonging to the district, on hand in the district and county treasuries, plus the maximum amount that can be raised by ~~taxation~~ *a tax of forty mills* plus the estimated apportionment of state school funds. If said district will not receive any apportionment of money from the state school fund, then said apportionment shall not be considered in estimating the income for the current year. The estimated expenditures for the current year shall be the amount necessary to maintain the school ~~seven months~~ *the length of time required by this act*, said estimate not to exceed ~~three hundred and eighty-five one thousand~~ *dollars in districts where there are ten or more children, nor seven hundred dollars in districts where there are five and less than ten children, nor one hundred and twenty dollars for each child in districts where there are less than five children, who are seven years old and less than sixteen.*

Sec. 4. That sections 6745 of the Revised Statutes of 1913 as amended by chapter 116 of the laws of 1915 as amended by chapter 119 of the laws of 1917 and sections 6749 and 6751 of the Revised Statutes of 1913 are hereby repealed.

## BILL NO. 20.

### RAISING THE MAXIMUM LEVY PERMITTED BY SCHOOL DISTRICTS.

(An amendatory act)

#### Abstract of Changes.

1. The maximum tax levy permitted by school districts having less than 150 children of school age is raised from \$3.50 to \$4.00 on the \$100 of assessed valuation.

#### Cross references.

In connection with this bill, see bill 19, page 136.

### A BILL

For an Act to amend section 6740 of the Revised Statutes of 1913 relating to the estimate and levy for general school purposes in school districts, and to repeal said original section.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 6740 of the Revised Statutes of 1913 be amended to read as follows:

6740. Trustees of each school district within the State of Nebraska shall, prior to the annual school district meeting in each year, as provided by law, prepare an estimate showing the amount of money required for the maintenance of schools during the coming school year, and shall determine the amount of money required for school maintenance during the coming school year, which shall be an amount sufficient to maintain a school in the manner and for the time provided by law, and the amount of money so required shall be levied as a tax upon all of the taxable property of the school district: Provided, in districts having four children or less of school age, the amount levied shall not exceed the sum of four hundred dollars in any year; and in districts having more than four and less than sixteen children of school age, the levy shall not exceed the sum of fifty dollars per child in addition to the above. The amount of money so voted as being necessary for the maintenance of the school for the coming year shall be certified by the district school board to the county clerk of the county in which the school district is located and the amount



shall be levied by the county board on the assessed value of the school district, and be collected as other taxes: Provided, the amount so levied shall not exceed in any one year ~~three and one-half~~ *four* dollars on the one hundred dollars valuation as assessed and equalized.

Sec. 2. That said original section 6740 of the Revised Statutes of 1913 is hereby repealed.

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## BILL NO. 21.

### SCHOOL HEALTH LAW.

(Repealing the law of 1919 for physical examination of school children.)

#### Abstract of Changes.

1. Provides for a state school Health Director in the department of public instruction with high standards of professional qualifications.

2. He shall have supervision over physical examinations of school children in the state, measures for the prevention of contagious diseases in schools, construction and sanitation of school buildings, and grounds, teaching of school hygiene.

3. Each school district to employ one or more health officers, who must be physicians or registered nurses, on full or part time.

4. School health officers to examine each child for physical defects and diseases, to notify parents and advise as to correction or prevention.

5. They shall make sanitary inspections of school premises and report.

6. Two or more boards may combine in the employment of health officers.

7. Adequate provisions are made for enforcement of the act.

#### References.

McKinney Consolidated Laws of N. Y. Vol. 3. Education Law, SS: 570-577.

Birdseye. Consolidated Laws of N. Y. Vol. 2, p 2186, section 541.

Compiled Statutes of N. J. 1709-1910. Vol. 4, p. 4803, section 229.

Laws of Pennsylvania, 1919. No. 253.

Laws of Minnesota, 1913, Chap. 550.

Laws of Wisconsin, 1919, Chap. 106.

Manual of Educational Legislation, United States Bureau of Education, Bulletin No. 4. 1919.

Education in Great Britain and Ireland, United States Bureau of Education, Bulletin No. 9, pp. 15-24. 1919.

Education in Switzerland, United States Bureau of Education, Bulletin, No. 38, pp. 14-19. 1919.

## A BILL

For an Act to provide for a School Health Director to be appointed by the superintendent of public instruc-

tion, to provide for the standardization and unification of school health work in all school districts of the state to prescribe penalties for the violation of this act and to repeal chapter 241 of the laws of 1919.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. Within thirty days after this law goes into effect, a state School Health Director shall be appointed by the superintendent of public instruction. The school health director shall be a registered physician, who has devoted at least five years to the actual practice of the medical profession and who has given at least three years of full time service to public school health work, or has a degree of Doctor of Public Health with two years full time service in school health work.

The duties of said school health director shall be to prescribe standard minimum rules and regulations, for the use of district school health officers in the state, for examining and testing children of school age for physical defects and physical and mental disabilities; to co-operate with the state bureau of health in the enforcement of regulations for the prevention and control of contagious and infectious diseases in schools; to prescribe minimum sanitary requirements in the construction, remodelling, repairing and maintaining of school buildings, school equipment, and school grounds; to outline suggestive courses of practical school hygiene which may be adopted by any school district in the state; to prepare necessary report forms for the use of district school health officers; and to perform such other duties as are essential for the benefits of a standardized modern school health system to reach each school child, school teacher and school janitor in the state.

Sec. 2. The standard provisions, rules and regulations promulgated by the department of public instruction in Section 1, shall have the force of law. Funds for the salary and necessary travelling and other expenses, essential for the purpose of carrying out the objects and

intent of this article, shall be provided out of the funds of the state department of public instruction.

Sec. 3. It shall be the duty of each board of education or board of trustees of a school district, in the state, to employ as school health officers one or more licensed physicians or registered nurses, or both, on full or part time as may be necessary for the proper conduct of the school health work of its district, except in school districts where it is impracticable to secure a school health officer, as above provided and where a Red Cross nurse or a community nurse is available these may act instead provided, the school district shares in the expense of this service. The school health officer as soon as possible after the opening of school shall separately test and examine every school child under his or her jurisdiction for defective hearing and discharging or painful ears, defective sight and infectious eye diseases including trachoma, hypertrophied and diseased tonsils, nasal obstruction, and diseased teeth, and said officer shall accurately weigh and measure each child under his or her jurisdiction, according to standard rules. The school health officer, in co-operation with the teacher in each classroom, while making the above general examination, shall note the child afflicted with a special defect or disability which prevents his normal growth and development. If a health test or examination reveals that a child is afflicted with any of the above defects or disabilities, it shall be the duty of the school health officer, principal or teacher to notify the parent or guardian of such a child in writing, enclosed in a sealed envelope, stating the defect with recommendation for its correction and possible prevention. It shall be the duty of the school health officer to keep an accurate record of all examinations and tests from year to year, as to defects, corrections, growth and development of all children under his or her jurisdiction. Said school health officer shall make at least two sanitary inspections of each school building, its equipment and grounds, under his or her jurisdiction, one at the opening and the second at the middle of each school year, at which



time the officer shall note especially the heating, lighting, seating, water supply with its drinking and cleaning facilities, toilets, and safety against fire. Said health officer shall report in writing, immediately after such sanitary inspection, to the board of education or school board of the district, wherein the school building, equipment or grounds failed to meet the minimum state rules and requirements applying to the same. Said school health officer shall perform such other duties as are essential to carry out the intent of this act.

Sec. 4. Two or more boards of education or school boards may combine in the employment of a school health officer or be served by a Red Cross or part-time community nurse. The compensation for said school health officer and other necessary expenses essential for the purpose of carrying out the object and intent of this article, shall be borne jointly by such districts and shall be apportioned among them according to the assessed valuation of the taxable property in the different districts concerned.

Sec. 5. It shall be the duty of the secretary of the board of education or the superintendent or principal of schools on or before the first day of September of each school year to report to the county superintendent the number of school health officers, whether physicians or nurses, with their names and addresses, the name of the chief medical officer and number of assistants appointed for the ensuing year. Said county superintendent shall report the summary of such reports to the state director of school health before the 1st day of October. If such school health service, as is required within this act is not provided for by a school district, within thirty days after the beginning of the school term, the state director of school health, after two weeks written notice to the board of education or school board of said district, shall appoint a properly qualified school health officer for the district for the remainder of the school term, and shall fix the compensation for the same which shall be paid by the district.

Sec. 6. It shall be the duty of every board of education or school board in the state to enforce the provisions of this act. A failure on the part of any board of education or school board to comply with the provisions of this act shall be sufficient grounds for their removal from office, or withholding of the public school moneys by the state superintendent of public instruction. Any person violating the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not to exceed one hundred dollars.

Sec. 7. Each school district shall provide the funds required to pay the salaries of one or more school health officers on full or part time, necessary assistants and clerical help and such other expenses as providing forms, test cards and other material and equipment essential to carry out the purpose and intent of this act. Any board of education or school board in the state may make levies, if necessary, for carrying out the purpose of this act, over and above any levy now authorized for school purposes.

Sec. 9. Chapter 241 of the laws of 1919 is hereby repealed.

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(B.) WOMEN AND CHILDREN IN INDUSTRY.

(i) *Women in Industry.*

**BILL NO. 22.**

REGULATING HOURS OF LABOR FOR WOMEN IN INDUSTRY.  
(An amendatory act)

Abstract of Changes.

1 The law applies throughout the state, instead of only in cities of 5,000 population or over as at present.

2. New occupations to which the law applies are: theatres, concert halls, places of amusement, stores, apartment, office and other public buildings, newspaper publishing establishments, bowling alleys, pool and billiard halls, garages, elevators.

3 Work day limited to 9 hours as at present.

4. Work in above occupations prohibited after ten P. M., except as a telegraph or telephone operator,—the present exception being for all work in public service corporations.

**A BILL**

For an Act to amend section 3564 of the Revised Statutes of 1913 as amended by chapter 71 of the laws of 1915,

as amended by section 5 of Article II of Title IV of Chapter 190 (page 547) of the laws of 1919.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 3564 of the Revised Statutes of 1913 as amended by Chapter 71 of the Laws of 1915, as amended by section 5 of Article II of Title IV of Chapter 190, of the laws of 1919 be amended to read as follows:

Sec. 5. ~~In metropolitan cities and cities of the first class~~  
No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, office or by any public service corporation theatre, concert hall, place of amusement, mechanical or mercantile establishment, store, office, laundry; nor in any apartment, office or other public building; nor in any newspaper publishing establishment, bowling alley, pool and billiard hall, garage, passenger or freight elevator, factory or workshop, restaurant or cafe, or by any railway, telephone or telegraph companies in this state more than nine hours during in any one day, or more than fifty-four hours in one week. The hours of each day may be so arranged as to permit the employment of such female at any time from six o'clock A. M. to ten o'clock P. M., but in no case shall such employment exceed nine hours in any one day, nor shall such female be employed, except by public service corporations, as a telephone or telegraph operator, between the hours of 10 p. m. and 6 a. m.

Sec. 2. That said original section 3564 of the Revised Statutes of 1913 as amended by Chapter 71, Laws of 1915. as amended by section 5 of Article II of Title IV of Chapter 190 (page 547) of the laws of 1919 is hereby repealed.

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### BILL NO. 23.

PROHIBITING EMPLOYMENT OF WOMEN BEFORE AND AFTER CHILD-BIRTH.

(A new and independent act.)

Abstract of the bill.

1. The employment of women in industry is prohibited for a period of eight weeks before and twelve weeks after child-birth.



## References.

This bill is based on the Connecticut law. Connecticut, General Statutes, Revision of 1918, Sec. 5309. The principal change is the inclusion of beet fields within the operation of the law.

Five American states have similar laws. Many foreign countries have such laws with provision of sick benefits.

Maternity Benefit Systems in Certain Foreign Countries. United States Children's Bureau. Publication 57. 1915.

Labor Legislation Review, March 1920, pp. 47-50.

## A BILL

For an Act to limit and regulate the employment of women before and after childbirth in industrial establishments and in beet fields and to provide a penalty for the violation of this act.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. It shall be unlawful for the owner, proprietor, manager, foreman or other person in authority of any factory, mercantile establishment, mill or workshop or for any proprietor, manager, foreman, lessee or contractor engaged in the business of producing beets for the manufacture of sugar knowingly to employ a woman or permit a woman to be employed in any such factory, mercantile establishment, mill, workshop or beet field within four weeks previous to confinement or twelve weeks after she has given birth to a child. Any person who shall violate any provision of this section shall be fined not less than ten dollars or more than one hundred dollars, or imprisoned in the county jail for not more than thirty days, or both.

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## BILL NO. 24.

### MINIMUM WAGE COMMISSION. (A new and independent act.)

#### Abstract of the bill.

1. A minimum wage commission is created in the department of labor to consist of three persons appointed by the head of the department.

2. The commission is given full powers to inquire into the cost of living in any occupation in which women or minors are employed and to fix the minimum rate of wages for any occupation in any locality, for women, for minors under sixteen years of age, for learners and apprentices.

3. Special rates of wages may be fixed for workers partially incapacitated in any occupation, the number so affected not to exceed one-tenth of the employees in any one establishment.

4. Subject to appeal to the courts, the rates of wages established by the commission shall have the force of law and it shall be unlawful for any employer to pay less than the amount fixed.

#### References.

National Conference Social Work, 1920, pp. 298-304.

Laws Affecting Women and Children, Annie G. Porritt, pp. 77-89.

Minimum Wage Laws at Work, Am. Ec. Rev. 1919, pp. 701-38.

## A BILL

For an Act to protect the health, morals and welfare of women and minors employed in industry by establishing a minimum wage commission and providing for the determination of minimum wages for women and minors and providing penalties for the violation of this act.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. This act shall be known as the minimum wage law of the State of Nebraska. The purposes of the act are to protect the women and minors of the State of Nebraska from conditions detrimental to their health and morals, resulting from wages, which are inadequate to maintain decent standards of living; and the act in each of its provisions and in its entirety shall be interpreted to effectuate these purposes.

Sec. 2. The term "Commission" means the Minimum Wage Commission created by section three;

The term "woman" includes only a woman of eighteen years of age or over;

The term "minor" means a person of either sex under the age of eighteen years;

The term "occupation" includes a business, industry, trade, or branch thereof, but shall not include domestic service.

Sec. 3. A minimum wage commission is hereby created, consisting of three commissioners to be appointed by the secretary of labor, one of whom shall be a woman, and one of whom shall be designated by the secretary of

labor as chairman. As far as practicable, the members shall be so chosen that one will be representative of the employees, one of the employers, and one of the public. The term of office of appointive members of the commission shall be three years, except that the first members thereof shall be appointed for such terms that the term of one member shall expire on January first, nineteen hundred and twenty-two, and one on January first of each succeeding year. Successors shall be appointed in like manner for a full term of three years. Vacancies shall be filled in like manner by appointment for the unexpired time. The commission may publish an official bulletin from time to time and shall make a biennial report to the legislature of its investigations and proceedings, which report shall be ready for submission thirty days prior to the convening of the legislature. A majority of the members shall constitute a quorum to transact business, and the act or decision of such a majority shall be deemed the act or decision of the commission; and no vacancy shall impair the right of the remaining members to exercise all the powers of the commission.

Sec. 4. The secretary of labor shall appoint, and may at pleasure remove a secretary, and all other employees needed to carry out the provisions of this act. The authority and duties of all subordinates and employees and their compensation within the limits of the amounts appropriated therefor shall be fixed by the secretary of labor.

Sec. 5. Each commissioner shall be paid ten dollars for each day's service. The commissioners and their subordinates shall be entitled to their actual and necessary expenses while traveling on the business of the commission. All expenses of the commission shall be paid out of the state treasury upon vouchers signed by the chairman.

Sec. 6. The commission shall hold stated meetings at least once every three months during the year and shall hold other meetings at such times and places as the



needs of the public service may require, which meetings shall be called by the chairman or by any two members of the commission. All meetings of the commission shall be called by the chairman or by any two members of the commission. All meetings of the commission shall be open to the public. The commission shall keep minutes of its proceedings, showing the vote of each commissioner upon every question and records of its examinations and other official action.

Sec. 7. Any investigation, inquiry or hearing which the commission is authorized to hold or undertake, may be held or taken by or before any commissioner, and the decision, or determination or order of a commissioner, when approved and confirmed by the commission and ordered filed in its office, shall be deemed to be the decision, determination or order of the commission. Each commissioner shall, for the purposes of this chapter, have power to administer oaths, certify to official acts, take affidavits and depositions, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records and documents before the commission.

Sec. 8. The commission shall adopt reasonable rules, regulating and providing for the method of making investigations, and conducting hearings, and inquiries for carrying into effect the provisions of this chapter.

Sec. 9. The commission or a commissioner in making an investigation or inquiry or conducting a hearing shall not be bound by common law or statutory rules of evidence or by technical or formal rules or procedure.

Sec. 10. The commission may require by subpoena the attendance and testimony of witnesses, the production of all books, registers and other evidence relative to any matters under investigation, at any such public hearing of its session. In case of disobedience to a subpoena the commission may invoke the aid of the appropriate court in requiring the attendance and testimony of witnesses and the production of documentary evidence. In case of contumacy or refusal to obey a subpoena the court may

issue an order requiring appearance before the commission the production of documentary evidence, and the giving of evidence touching the matter in question, and any failure to obey such an order of the court may be punished by such court as a contempt thereof.

Sec. 11. The commission may cause depositions of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the appropriate court of the state.

Sec. 12. Upon request of the commission, the state labor department or other appropriate agency shall gather such statistics and information as the commission may require.

Sec. 13. Every employer of women and minors shall keep a register of the names and addresses of and the wages paid to all women and minors employed by him, the occupation of each and the number of hours that they are employed by the day or by the week, and their actual working hours for such periods, and every such employer shall on request permit the commission or any of its members or its secretary or agents to inspect such register. Every such employer shall also furnish in writing to the commission any information concerning the foregoing matters that the commission may require.

Sec. 14. The commission shall have power through any commissioner or authorized representative to enter the place of business of any employer of women and minors to inspect and examine any and all books, payrolls and other records that in any way appertain to or have a bearing upon the question of wages, hours of labor or conditions of labor of any such woman or minor workers, and to require from any such employer, full and correct statements in writing when the commission so deems necessary, of the wages paid to, the hours of labor of, and the conditions of labor of all women and minors in his employ.

Sec. 15. It shall be the duty of the commission, and it shall have power to investigate wages and working conditions in any occupation in the state in order to de-

termine whether wages are paid to women and minors employed therein, which are inadequate to supply them with the necessary cost of living, to maintain them in good health and protect their morals. Such investigations shall also be made at the request of not less than twenty-five persons engaged in any occupation in which any woman or minors are employed. The names of the persons making such request shall not be made public.

Sec. 16. The commission in order to determine the amount of minimum wage of women workers and minors under this act shall investigate the working conditions, wages paid to all employees in any occupation investigated in any city, or place in this state where investigation is had, and in any and all other occupations, wages paid women and minors employed in this state, and shall hold public hearings to receive evidence, facts and information from any source whenever it deems advisable in order to determine the amount of minimum wages whether by time rate or piece rate, suitable for a female employee of ordinary ability in such occupation or any branch thereof, and also suitable minimum wage for learners and apprentices, and the maximum length of time any female worker and any minor may be kept at such work as a learner or apprentice, and also for minors below the age of sixteen years. The commission shall, within thirty days after the investigation and public hearing of any such occupation or occupations under such investigations as herein provided, determine the amount of minimum wages, whether by time rate or by piece rate, necessary for a female employee of ordinary ability in any occupation investigated or in any and all branches thereof, and also suitable minimum wages for learners and apprentices, and the maximum length of time any female worker may be kept at such work as a learner or apprentice, and also such suitable minimum wages or rate of wages for minors below the age of sixteen years, and shall order such minimum wage, rate of wages, or time of labor as determined effective at once. All testimony, information and facts given to the commission in any investigation as here-



in provided or for the purpose of determining minimum wages under this act shall be kept on file at the office of the commission and open to the public for inspection. The commission shall give notice of all public hearings as herein provided by publication in such newspapers in the state as it may prescribe at least once and not less than fifteen days prior thereto, and in any other manner that it deems advisable. The commission may make different determinations and make different orders for the same occupation in different localities in this state when in its judgment different conditions in different localities justify such different determinations or orders. The commission may publish in a bulletin, if it deems advisable, all facts and findings in investigations concerning minimum wages in any occupation in this state, and may cause same to be distributed in such manner as it may deem advisable and to the best interest of the citizens of the state. The commission shall make and render such orders as may be proper or necessary to adopt such minimum rates of wages and carry the same into effect, which orders shall take effect not less than thirty days from the date of the entry thereof, and shall require all employers in the occupation affected thereby to observe and comply with said orders. After said orders become effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions thereof or to employ any woman worker or minor or minors in any occupation covered by said orders for lower wages than are authorized or permitted for each respectively therein.

Sec. 17. In any occupation or branch thereof in which a minimum time rate of wages only has been fixed, the commission may issue to a woman, whose earning capacity has been impaired by age or otherwise, a special license authorizing her employment for a wage less than the legal minimum wage, provided that the number of such licenses shall not exceed one-tenth of the entire number of women and minor workers in any establishment. The commission is also empowered to issue to a learner or minor, lawfully employed in any occupation

or branch thereof a license authorizing his or her employment for a wage less than the legal minimum wage and shall fix the proportion of learners and minors to the total working force in any establishment with due regard to the maintenance of the standards of health, morals and welfare protected by this act.

Sec. 18. Whenever a minimum wage rate has been established in any occupation, the commission may upon the petition of either employer or employees, grant a hearing upon said petition and proceed to a determination of the wage rate as herein provided for in like cases where no such wage rate had ever been established in the same manner as provided in Section 16.

Sec. 19. The commission may inquire into wages paid to minors in any occupation in which the majority of employees are minors and may, after giving public hearings, if it deems advisable, to hold such public hearings, determine the minimum wage suitable for such minors. When the commission has made such determinations it shall make and render such orders as may be proper and necessary to carry the wages thus established into effect in the same manner as provided in other cases in this act.

Sec. 20. The commission shall from time to time investigate and ascertain whether or not employers in the State of Nebraska are observing and complying with its orders and shall report to the appropriate authority all violations of this act.

Sec. 21. Any person who violates any of the foregoing provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished for each offense by a fine of not less than fifty dollars nor more than two hundred and fifty dollars, or by imprisonment for not less than ten days nor more than three months, or by both such fine and imprisonment.

Sec. 22. If any employer shall pay an employee less than the minimum wage to which said employee is entitled under or by virtue of an order of said commission, said employee may recover in a civil action against the

employer the full amount of said minimum less any amount actually paid to said employee by said employer, together with costs of suit and such attorney's fees as may be allowed by the court; and any agreement for said employee to work for less than such minimum wage shall be no defense to such action.

Sec. 23. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified or is about to testify, or has given or is about to give information concerning the conditions of such employee's employment, or because the employer believes that the employee may testify or may give information concerning the conditions of the employee's employment in any investigation or proceeding relative to the enforcement of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished for each offense by a fine of not less than fifty dollars, or by imprisonment for not less than ten days nor more than three months, or by both such fine and imprisonment.

Sec. 24. If any section or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases is declared unconstitutional.

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## BILL NO. 25.

### MINIMUM WAGE COMMISSION. (An amendatory act)

#### Abstract of Changes.

1. This is a companion bill, to bill 26 amending the article in the civil administrative code creating the department of labor so as to provide for the creation therein of a minimum wage commission.

## A BILL

For an Act to amend section 3554 of the Revised Statutes of 1913 as amended by section 1 of article 1 of title IV



of chapter 190 of the laws of 1919 (pages 545 and 546), relating to the department of labor and to repeal said original section.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 3554 of the Revised Statutes of 1913 as amended by section 1 of article 1 of title IV of chapter 190 of the laws of 1919 (pages 545 and 546), be amended to read as follows:

Sec. 1. (See Revised Statutes 3554) The governor, through the agency of the department of labor created by this act, shall have the power:

1. To foster, promote and develop the welfare of wage earners;

2. To improve working conditions;

3. To advance opportunities for profitable employment;

4. To collect, collate, assort, systematize, and report statistical details relating to all departments of labor, especially in its relation to commercial, industrial, social, economic and educational conditions, and to the permanent prosperity of the manufacturing and productive industries:

5. To acquire and diffuse useful information on subjects connected with labor in the most general and comprehensive sense of the word;

6. To acquire and diffuse among the people useful information concerning the means of promoting the material, social, intellectual and moral prosperity of laboring men and women;

7. To acquire and diffuse information as to the conditions of employment and such other facts as may be deemed of value to the industrial interests of the state;

8. To acquire and diffuse information in relation to the prevention of accidents, occupational disease and other related subjects;

9. To administer and enforce the workmen's compensation laws or employers' liability acts of the state, and for that purpose the secretary of the department of labor shall be the deputy commissioner of labor and compen-

sation commissioner, and the duty hereby imposed upon him, as such, of executing all of the provisions of Article VIII, Chapter 35, Revised Statutes of Nebraska for the year 1913, and any and all act or acts amendatory thereof.

10. *To administer and enforce the laws pertaining to minimum wages for women and minors.*

Sec. 2. That said original section 3554 of the Revised Statutes of 1913 as amended by Section 1, of article I of title IV of chapter 190 of the laws of 1919 (pages 545 and 546), is hereby repealed.

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(ii) *Children in Industry.*

**BILL NO. 26.**

**CHILD LABOR LAW.**

(A bill to repeal the present and enact a new law.)

**Abstract of Changes.**

1. Children fourteen to sixteen years of age forbidden to work in a specified list of harmful occupations (Sec. 1) at any time, or at any occupation during the hours when the public schools are in session. Present law permits work, at any time, without restrictions as to occupation, except in conditions "dangerous to life or limb, or in which health may be injured or morals deprived."

2. Children under fourteen years of age are forbidden to work in restaurants, barber shops and boot-black stands in addition to the present prohibition occupations.

3. Employment certificates required for children fourteen to sixteen years of age, working during the school year outside of school hours, conditioned on regular attendance at school, and on physician's certificate showing fitness for the work, the present law allowing permits to work during school hours.

4. Hours of labor for children under sixteen years limited to eight in one day and forty-eight in one week in any occupation instead of a limited list of occupations as in the present law.

5. In beet fields children under twelve years of age are prohibited from working at any time and children from twelve to fourteen from working more than six hours per day.

6. Owners and managers of theatres are held responsible for unlawful employment of children therein.

7. Boys under eighteen years of age are forbidden to be employed in night messenger service or as bell boy. Girls under twenty-one years of age are forbidden to be employed in messenger service.

8. Provision is made for special vacation work permits.

9. State supervision of enforcement of the act is transferred from the department of labor to the child welfare bureau.

**References.**

Administration of Child Labor Laws Federal Children's Bureau. Publication 41. 1919.

The Child Labor Bulletin. National Child Labor Committee. Feb. 1916.

Child Labor Legislation in the United States. Federal Children's Bureau. Publication 10. 1915.

The States and Child Labor. United States Children's Bureau. Publication 58. 1919.

National Child Labor Committee Reports: People Who Go to Beets. Jan. 1920; Children in Agriculture. Feb. 1918; State Laws and Minimum Standards. Jan. 1920.

The Survey. Dec. 20, 1919, pp. 287-293.

## A BILL

For an Act to regulate child labor, to prohibit the labor of children under certain conditions and in certain occupations, and to provide penalties for the violation of this act and to repeal article III of title IV of chapter 190 of the laws of 1919 (page 549), and to repeal all acts and parts of acts in conflict with this act.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. No child under sixteen years of age shall be employed, permitted or suffered to work at any time in any theatre, concert hall, pool hall, bowling alley or place of amusement or in any hotel, restaurant, laundry, tobacco factory, or in any passenger or freight elevator or as a messenger or driver, or in any other occupation declared by the director of the state child welfare bureau, after an investigation and public hearing, to be injurious to life, limb, health or morals of a child under sixteen years of age. No person, firm or corporation shall employ any child under sixteen years of age in any business or service whatever during the hours when the public schools of the school district in which the child resides are in session unless such child under the compulsory school law is exempt from attendance at school.

Sec. 2. No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any mercantile institution, store, office, barber shop, bootblack stand or establishment, manufacturing establishment, factory, mill or work shop, or in any other occupation declared by the director of the state child welfare bureau after investigation and public hearing, to be injurious to life, limb, health or morals of a child under fourteen years of age.



Sec. 3. No child fourteen and under sixteen years of age shall be employed, permitted or suffered to work in any of the occupations enumerated in section 2 of this act unless the person or corporation employing him procures and keeps on file and accessible to the attendance officers of the city and the director of the state child welfare bureau and his assistants and employees an employment certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed. Upon the termination of the employment of a child, so registered, and whose certificate is so filed, such certificate shall be forthwith transmitted by the employer to the official who had issued it. Any attendance officer, the child welfare bureau or its assistants and employees may make demand on any employer in whose place of business a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this section, that such employer shall furnish him, within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, and in the event of failure to furnish such evidence, the employer shall be subject to prosecution as provided in this act. The same evidence of the age of such child may be required from such employer as is required on the issuance of an employment certificate as hereinafter provided, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to the attendance officer or the director of the child welfare bureau within ten days after demand for the same, such evidence of the age of any child as may be required of him under the provisions of this act, and shall thereafter continue to employ such child or permit or suffer such child to work in such place of business, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima

facie evidence in any prosecution brought for a violation of this section that such child is under sixteen years of age and is unlawfully employed.

Sec. 4. An employment certificate shall be issued only by the superintendent of schools of the school district in which the child resides, or by a person authorized by him in writing, in metropolitan cities and cities of the first class, and in other districts only by the county superintendent of schools or by a person authorized by him: Provided, no school district officer or other person authorized as aforesaid shall have authority to issue such certificate for any child then in, or about to enter, his own employment, or the employment of a firm or corporation of which he is a member, officer, or employe or in whose business he is interested. The officer or person issuing such certificate shall have authority to administer the oath provided for therein, or in any investigation or examination necessary for the issuance thereof. No fee shall be charged for issuing any such certificate nor for administering any oath or rendering any services therein in respect thereto. The officer issuing the certificate shall establish and maintain proper records where copies of all such certificates and all documents connected therewith shall be filed and preserved, and shall be provided with the necessary clerical services for carrying out the provisions of this act.

Sec. 5. The person authorized to issue an employment certificate shall not issue such certificate, except as provided in section 16 of this act, until he has received, examined, approved and filed the following papers duly executed: the school record of such child, properly filled out and signed as provided in this act showing the child is regularly attending the public schools or schools of equal grade; a passport or duly attested transcript of the certificate of birth or baptism, or other religious or official record showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births,

shall be conclusive evidence of the age of such child. The affidavit of the parent, guardian, or custodian of a child, may be required, only in case none of the documents mentioned above can be produced and filed, showing the place and date of birth of such child, which affidavit must be taken before the officer issuing the employment certificate. Such employment certificate shall not be issued until there shall have been filed in his office a certificate signed by the county or city physician or the school physician of the district in which the child resides certifying that he has examined the child within a period of ten days and that, in his opinion, the child has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In case a child is to be employed in any of the occupations named in section 2 of this act, the physician's certificate shall show that in his opinion the child is fourteen years of age or over and an employment certificate shall not be issued unless the person issuing the same is satisfied that the child is at least fourteen years of age. Whenever the person authorized to issue the employment certificate is in doubt about the age of a child, he may require the party or parties making application for the certificate to appear before the judge of the juvenile court, where the question of the age of the child shall be determined, and the judgment of the court shall be final and binding upon the person issuing the certificate. Notice of the hearing before the court shall be given to some one of the persons authorized to demand inspection of employment certificates. Every employment certificate shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

Sec. 6. Such certificate shall state the date and place of birth of such child, the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child and that the papers required by the preceding section have been duly examined, approved and filed, and that the child named in such certificate has



appeared before the officer signing the certificate and been examined.

Sec. 7. Such employment certificate shall be invalid after six months from the date of issue unless there shall have been filed with the officer issuing such certificate a new certificate signed by the city, county or school physician as herein provided. In any case the employment certificate shall not be valid more than six months after the date of the last certificate filed by such physician.

Sec. 8. The person issuing an employment certificate shall issue such certificate in triplicate on forms prescribed and supplied by the state child welfare bureau. One copy of the certificate shall be issued to the applicant, one copy sent to the state child welfare bureau and one copy retained and kept on file.

Sec. 9. Regular attendance of a child at any public day school or school of equal grade shall authorize the issuance of a certificate of employment if all other certificates are otherwise in due form, and if the child employed under such certificate shall furnish to his employer a weekly certificate showing regular attendance each week when the school is in session.

Sec. 10. No person under the age of sixteen years shall be employed, suffered or permitted to work in any occupation more than forty-eight hours in any one week, nor more than eight hours in any one day, nor before the hour of six o'clock in the morning, nor after the hour of eight o'clock in the evening. No child under fourteen years of age shall be employed, permitted or suffered to work in any beet field more than six hours in any one day nor more than thirty-six hours in any one week. Every employer shall post in a conspicuous place in every room or place where such children are employed a printed notice stating the hours required of them each day, the hours of commencing and stopping work, and the time allowed for meals: Provided, that this requirement shall not apply to beet fields. A printed form of such notice shall be furnished by the state child welfare bureau.

Sec. 11. No child under twelve years of age shall be employed, permitted or suffered to work in any beet field.

Sec. 12. Whoever employs a child and whoever having under his control a child permits such child to be employed in violation of this act shall, for each offense be fined not more than fifty dollars (\$50.00), and whoever continues to employ any child in violation of either or any section of this act after being notified by the attendance officer or by an agent of the state child welfare bureau shall, for every day thereafter that such employment continues be fined not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00). The failure of an employer of child labor to produce, upon request of a person authorized to demand the same, any employment certificate or list required by this article shall be prima facie evidence of an illegal employment of any child whose employment certificate is not produced or whose name is not listed. Any corporation or employer retaining an employment certificate in violation of this act shall be fined ten dollars (\$10.00). Every person authorized or required to sign any certificates or statement prescribed by this act who knowingly certifies or makes oath to any material false statement therein or who violates any of the provisions of this article, shall be fined not to exceed fifty dollars (\$50.00). Every person, firm or corporation, agent or manager, superintendent or foreman of any person, firm or corporation who shall refuse admittance to any officer or person authorized to visit or inspect any premises or place of business under the provisions of this act and to produce all certificates and lists he may have, when demanded, after such person shall have announced his name and the office he holds and the purpose of his visit, or shall otherwise obstruct such officers in the performance of their duties as prescribed by this act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding fifty dollars (\$50.00) or be imprisoned not to exceed thirty days.

Sec. 13. The presence of a child under sixteen years of age, apparently at work in any place in violation of the provisions of this act shall be prima facie evidence of his employment therein. Attendance officers shall visit all places where they have reason to believe that children may be employed to ascertain whether any children are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the state child welfare bureau and to the county attorney.

Sec. 14. Every owner or manager of a theater, concert hall, vaudeville house, motion picture house, or other place of amusement who shall employ any child under sixteen years of age or who shall cause or permit any child under sixteen years of age to be employed either as an actor or performer or in any other occupation in or about such place of amusement owned or managed by him shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

Sec. 15. No person under eighteen years of age shall be employed as bell boy in a hotel. No boy under eighteen years of age shall be employed in the business of delivering messages, letters or parcels after nine o'clock P. M., or before six o'clock A. M., and no girl under twenty-one shall be so employed at any time.

Sec. 16. No child under sixteen years of age shall be regularly employed, permitted or suffered to work in any business or service whatever, except agriculture and domestic service, during the vacation of the public schools in the district where he resides, unless the person or corporation employing him procures and keeps on file and accessible to the attendance officers of the city and county, and the director of the state child welfare bureau and his assistants an employment certificate. The employment certificate required in this section shall be issued in the same manner, by the same persons and under the same conditions except as to age as are prescribed in this act except that such permits shall expire when the public



schools of the district in which they are issued shall open, and that the person authorized to issue such employment certificate shall not be required to receive the school record of such child.

Sec. 17. The director of the state child welfare bureau shall enforce the provisions of this act and shall have authority to appoint such inspectors and assistants as may be necessary to secure the enforcement of this act. He shall supervise the work of the city and county attendance officers in the enforcement of this act and shall make all necessary rules and regulations for carrying out the purposes of this act and shall prescribe and supply to the proper officials blanks for employment certificates and such other forms as they may require. The director of the state child welfare bureau shall have authority to forbid the employment of any child under sixteen years of age in any place where the surroundings are such as to endanger the health, life, limb or morals of such child.

Sec. 18. If any section or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases is declared unconstitutional.

Sec. 19. That said Article III, title IV, of chapter 190 of the laws of 1919 (pages 549-558) and all acts and parts of acts in conflict with this act are hereby repealed.

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## BILL NO. 27.

### STREET TRADES LAW. (A new and independent act.)

#### Abstract of the bill.

1. Boys under twelve and girls under eighteen years of age are prohibited from working as newsboys, bootblacks, peddlers, etc.

2. Boys 12 to 16 years of age may be so employed only outside of school hours, and not at night.

3. Such boys must secure a badge, as employment certificates are secured (Bill 22) conditioned on proof of age, physical fitness to do the work, and attendance at school.

4. Regulation as to badges: The purpose being to protect the boy, secure his cooperation in enforcing the law and promote pride and interest in the calling.

**Cross references.**

In connection with this bill, see bills 17 and 22.

**References.**

National Humane Review, Jan. 1920.

Am. Child, 1: 123-9, Aug. 1919

## A BILL

For an Act to limit and regulate certain occupations of children in streets and public places.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. No boy under sixteen years of age, and no girl under eighteen years of age, shall be employed or permitted or suffered to work in the occupation of peddling, boot-blackening or distributing or selling newspapers, magazines, periodicals or circulars in a street or public place, except that boys between twelve and sixteen years of age may engage in the occupations of distributing and selling newspapers, magazines, periodicals and circulars which are by law permitted to be distributed and sold, upon the following conditions:

Sec. 2. Any boy between twelve and sixteen years of age, upon application to the school authorities as in the case of an employment certificate, and upon compliance with all the requirements for the issuance of an employment certificate except the educational requirement may receive from the officer authorized to issue employment certificates a badge which shall authorize the recipient to engage in the occupations excepted in section 1, at such time or times between six o'clock A. M., and eight o'clock P. M., in each day that the public schools of the city where such boy resides are not in session, but at no other time, provided, that a boy who has received a badge may sell after eight o'clock in the evening extra editions of daily newspapers published after seven o'clock in the evening of the day of sale; provided, however, that nothing herein contained shall be construed to permit the violation of a curfew ordinance of any city, or to prevent any boy twelve years of age or over from distributing newspapers, magazines or periodicals

to regular subscribers at their residences or established places of business without securing such badge.

Sec. 3. A deposit of fifty cents shall be made for the use of each badge, to be held by the officer issuing the badge and refunded upon the return thereof. Badges shall not be transferable, and shall be good only in the city in which they are issued. They shall be displayed conspicuously by the recipient while engaged in any of the occupations aforesaid, and nothing herein shall be construed to permit the holder of a badge to engage in any occupation specified herein except when actually displaying his badge. All badges shall be renewed annually during the first week in January. All badges issued in the same calendar year shall be the same in color and design and shall be conspicuously different from those issued the preceding year. No boy to whom a badge has been issued as provided herein shall permit the same to be worn or used by another.

Sec. 4. No boy to whom a badge has been issued as provided herein shall at any time while engaged in any of the occupations specified herein wilfully disturb or annoy persons or unduly obstruct the passage on any sidewalk or entrance to any building.

Sec. 5. Any badge issued as provided herein may be recalled at the discretion of the officer issuing the same; and on adjudication of delinquency against any boy to whom a badge has been issued pursuant to the provisions of this act, the court may, in addition to such other correction as may be deemed advisable, require him to surrender such badge for a period to be determined by the court.

Sec. 6. It is hereby declared unlawful for any person at any time to sell or cry for sale in any public place any newspaper knowingly representing the same to be an extra, when such paper is not in fact an extra, or otherwise to misrepresent his wares.

Sec. 7. Any child who persistently violates any of the provisions of this act shall be deemed delinquent. The school attendance and truant officers, probation officers and the members and agents of county and city boards of welfare shall enforce this act.



## Chapter III.

### HEALTH AND RECREATION.

#### (A.) HEALTH MEASURES.

#### BILL NO. 28.

##### MATERNITY HOMES.

(A bill to repeal the present law and enact a new law.)

##### Abstract of Changes.

1. The bill deals with maternity homes alone while the present law includes infant boarding homes.

2. The bill applies to all maternity homes in the state, while the present law does not apply to those incorporated under the laws of Nebraska.

3. Such homes shall not be licensed unless their medical staff includes one or more licensed physicians and one or more registered nurses.

4. Requirements as to inspection records and reports are more stringent than in the present law.

5. Every birth shall be attended by a legally qualified physician and registered nurse.

6. Special provisions made for reporting cases of unfiliated children to state child welfare bureau.

7. All information regarding inmates reported to the bureau to be confidential.

8. Enforcement of this act placed with the state child welfare bureau.

##### References.

Maternal Mortality. United States Children's Bureau. Bulletin 19. 1917.

Maternity and Infant Care in Two Rural Counties in Wisconsin. United States Children's Bureau. Publication 46. 1919.

#### A BILL

For an Act to define maternity hospitals, to provide for the regulating and licensing of the same, to prescribe penalties for the violation of this act and to repeal sections 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769 and 2770 of the Revised Statutes of 1913 as amended by Division X of Article II of Title I, of Chapter 190 of the laws of 1919, (pages 785-789) and to repeal all acts and parts of acts in conflict with this act.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. Any person who receives for care and treatment during pregnancy or during delivery or within ten days after delivery, more than one woman within a period of six months, except women related to him or her by blood or marriage, shall be deemed to maintain a maternity hospital. The word "person" where used in this act shall include individuals, partnerships, voluntary associations and corporations; provided, however, that this act shall not be construed to relate to any institution under the management of the state board of control or its officers or agents.

Sec. 2. The state child welfare bureau is hereby empowered to grant a license for one year for the conduct of any maternity hospital that is for the public good and whose medical staff includes one or more registered nurses and one or more licensed physicians; and it shall be the duty of the bureau to prescribe such general regulations and rules for the conduct of all such hospitals as shall be necessary to effect the purposes of this act and all other laws of the state relating to children so far as the same are applicable, and to safeguard the well-being of all infants born therein, and the health, morality and best interests of the parties who are inmates thereof. No maternity hospital shall receive a woman for care therein without first obtaining a license to conduct such hospital from said child welfare bureau. No such license shall be issued unless the premises are in fit sanitary condition and such license shall have been approved by the local board of health. The license shall state the name of the licensee, designate the premises in which the business may be carried on, and the number of women that may be properly treated or cared for therein at any one time. Such license shall be kept posted in a conspicuous place on the licensed premises. No greater number of women shall be kept at any one time on the premises for which the license is issued than is authorized by the license and no woman shall be kept in a building or place not designated in the license. A record of the license so issued

shall be kept by the child welfare bureau, which shall forthwith give notice to the local board of health of the city, village or town in which the licensee resides of the granting of such license and the conditions thereof. The license shall be valid for one year from the date of the issuance thereof. The child welfare bureau may, after due notice and hearing revoke the license in case the person to whom the same is issued violates any of the provisions of this act, or when, in the opinion of said bureau such maternity hospital is maintained without due regard to sanitation and hygiene, or to health, comfort or well-being of the inmates or infants born to such inmates or in case of violation of any law of the state in a manner disclosing moral turpitude or unfitness to maintain such hospital or that any such hospital is conducted by a person of ill repute or bad moral character.

Written charges against the licensee shall be served upon him at least three days before hearing shall be had thereon and a written copy of the findings and decision of the bureau upon hearing shall be served upon the licensee in the manner prescribed for the service of summons in civil actions.

Any licensee feeling himself aggrieved by any decision of the bureau may appeal to the district court by filing with the clerk thereof in the county where his hospital is situated within ten days after written notice of such decision, a written notice of appeal specifying the grounds upon which the appeal is made.

The appeal may be brought on for hearing in a summary manner by an order to show cause why the decision of the bureau shall not be confirmed, amended or set aside. The written notices and decisions shall be treated as the pleadings in the case and may be amended in the discretion of the court. The issues shall be tried anew by the court and findings shall be made upon the issues tried.

Either party may appeal to the supreme court from the determination of the district court within five days after notice of filing the decision, in the manner provided for appeals in civil actions.



No revocation of license shall become effective until any appeal made shall have been determined. In case of the revocation of a license, the child welfare bureau shall make a notation thereof upon its records and give written notice of such revocation to the licensee by delivery of a copy of revocation to the licensee, or leaving a copy thereof with a person of suitable age and discretion living upon the premises. In case of revocation the child welfare bureau shall also notify the local board of health of the city, village or town in which the hospital is situated.

Sec. 3. No person, as an inducement to a woman to go to any maternity hospital during confinement, shall in any way offer to dispose of any child or advertise that he will give children for adoption or hold himself out as being able to dispose of children in any manner.

Sec. 4. The child welfare bureau may prescribe forms for the registration and record of persons cared for in any such hospital, and the licensee shall be entitled to receive gratuitously from the bureau a book of forms for such registration and record. Each book shall contain a printed copy of this act. The licensee of a maternity hospital shall keep a record in the form to be prescribed by said bureau, wherein shall be entered the true name of every patient, together with all her places of residence during the year preceding admission to said hospital, the name and address of the physician or midwife who attended at each birth taking place at such hospital, or who attended any sick infant therein, and the name and address of the mother of such child; the name and age of each child who is given out, adopted or taken away to or by any person, together with the name and residence of the person so adopting or taking away such child, and such other information as will be within the knowledge of the licensee and as the bureau shall prescribe and the licensee shall report these facts to the bureau of child welfare on the first of every month.

Sec. 5. Every birth occurring in a maternity hospital shall be attended by a legally qualified physician and registered nurse. The licensee owning or conducting

such hospital shall within twenty-four hours after a birth occurs therein in addition to the report required to be filed with the local registrar of vital statistics, make a written report thereof to the child welfare bureau, giving the name of the mother, the sex of the child and such additional information as shall be within the knowledge of the licensee and as may be required by the bureau. The licensee owning or conducting any such hospital shall immediately after the death in a maternity hospital of a woman, or an infant born therein or brought thereto, cause notice thereof to be given to the local board of health of the city, village or town in which such hospital is located.

Sec. 6. The officers and authorized agents of the child welfare bureau and the local board of health of the city, village or town in which a licensed maternity hospital is located, may inspect such hospital at any time and examine every part thereof. The officers and agents of the child welfare bureau may call for and examine the records which are required to be kept by the provisions of this act and inquire into all matters concerning such hospital and patients and infants therein; and the said officers and authorized agents of the state child welfare bureau shall visit and inspect such hospitals at least once every six months and shall preserve reports of the conditions found therein. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility for viewing the premises and seeing the patients therein.

Sec. 7. Whenever a woman, who within ten days after delivery of a child, or a woman who is pregnant, is received for care in a maternity hospital, the licensee of such maternity hospital or the officer in charge of such hospital, shall use due diligence to ascertain whether such child is an unfiled child and if there is reason to believe that such child is unfiled or when born will be unfiled, such licensee shall report to the state child welfare bureau forthwith the presence of such woman, together with such other information as shall be

within the knowledge of the licensee and as the bureau may require.

Sec. 8. No officer or agent of the state child welfare bureau or the local boards of health of the city, village or town where such licensed hospital is located, or the licensee of such a hospital, or any of its agents, shall directly or indirectly disclose the contents of the records herein provided for, or the particulars entered therein, except upon inquiry before a court of record, at a coroner's inquest or for the information of the state child welfare bureau or the local board of health of the village, city or town in which said hospital is located: Provided, however, that nothing herein shall prohibit the child welfare bureau, with the consent of any patient in such hospital, disclosing such facts to such proper persons as may be in the interest of such patient or the infant born to her.

Sec. 9. In a prosecution under the provisions of this act or any penal law relating thereto a defendant who relies for defense upon the relationship of any woman or infant to himself, shall have the burden of proof.

Sec. 10. Every person who shall maintain a maternity hospital without securing a license as provided in this act or who shall violate any of the provisions of this act shall upon conviction be guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail not less than ten days or more than three months or both fine and imprisonment at the discretion of the court. It shall be the duty of the health officer of any city or county or of any person knowing of any violations of this act to report the same to the state child welfare bureau. It shall be the duty of the child welfare bureau to investigate all such reports and to make independent investigations and if evidence is found of violations of this act to file complaints with the county attorney of the county in which such violation is found.

Sec. 11. If any section or subdivision of this act is for any reason held to be unconstitutional, such decision



shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases is declared unconstitutional.

Sec. 12. That sections 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769 and 2770 of the Revised Statutes of 1913 as amended by Division X of Article II of Title VI, of Chapter 190 of the laws of 1919 (pages 785-789) and all acts and parts of acts in conflict with this act are hereby repealed.

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## BILL NO. 29.

### CHILDREN'S BOARDING HOMES. (A new and independent act.)

#### Abstract of Changes.

1. This act provides definitely and clearly for the regulation of boarding homes for children under five years of age, while under the present law only partial and indefinite provisions are included under the law relating to maternity homes.

2. Boarding homes are required to be licensed by the state child welfare bureau under regulations determined thereby.

3. Standards as to cleanliness, sanitation, health conditions, physical and moral welfare of inmates, etc., are established.

4. Full records and reports to the bureau regarding children admitted and removed from boarding homes are required.

5. Special attention to the reporting of unaffiliated children is required.

6. All information reported to the bureau shall be confidential.

## A BILL

For an Act to define, license and regulate children's homes, and to provide penalties for the violation of this act.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. Any person who receives for care or treatment or has in his custody at any one time three or more children under the age of five years, unattended by a parent or guardian, for the purpose of providing them with food, care and lodging, except children related to him by blood or marriage, shall be deemed to maintain

a children's home. The word "person" where used in this act shall include individuals, partnerships, voluntary associations and corporations; provided, however, that this act shall not be construed to relate to any institution under the management of the state board of control or to its officers or agents, nor to any person who has received for care alone, children from not more than one family during any period of three months.

Sec. 2. The state child welfare bureau is hereby empowered to grant a license for one year for the conduct of any children's home that is for the public good and is conducted by a reputable and responsible person; and it shall be the duty of the bureau to provide such general regulations and rules for the conduct of all such homes as shall be necessary to effect the purposes of this act and all other laws of the state relating to children so far as the same are applicable, and to safeguard the well-being of all children kept therein. No person shall receive a child for care in any such children's home without first obtaining from said bureau a license to conduct such children's home. No such license shall be issued unless the premises are in a fit sanitary condition and the application for such license shall have been approved by the local board of health. The license shall state the name of the licensee, the particular premises in which the business may be carried on, and the number of children that may be properly boarded or cared for therein at any one time; and such license shall be kept posted in a conspicuous place on the licensed premises. No greater number of children shall be kept at any one time on the premises than is authorized by the license and no child shall be kept in a building or place not designated in the license. A record of the licenses so issued shall be kept by the child welfare bureau which shall forthwith give notice to the local board of health of the city, village or town in which the licensee resides of the granting of such license and the conditions thereof. The license shall be valid for one year from the date of issue. The state child welfare bureau may, after due notice and hearing, revoke

the license if any provision of this chapter is violated, or when, in the opinion of said bureau such children's home is maintained without due regard to sanitation and hygiene or to the health, comfort, morality or well-being of the inmates thereof, or in case of the violation of any law of the state, in a manner disclosing moral turpitude or unfitness to maintain such home or upon evidence that any such home is conducted by a person of ill-repute or bad moral character. Written charges against the licensee shall be served upon him at least three days before hearing shall be had thereon and a written copy of the findings and decision of the bureau upon hearing shall be furnished the licensee on demand.

Sec. 3. The state child welfare bureau may prescribe for the registration and record of children cared for in such home and the licensee shall be entitled to receive gratuitously from the child welfare bureau a book of forms for such registration and record. Each book shall contain a printed copy of this act. The licensee of a children's home shall keep a record in a form to be prescribed by the state child welfare bureau wherein shall be entered the name and age of each child received or cared for in such home, together with the names and addresses of the parents and the name and address of the person bringing the child to the home; the name of any physician attending any sick child in the home; the name and age of each child who is given out to be adopted or taken away by any person, together with the name and residence of the person so adopting or taking away such child and such other information as the bureau shall prescribe. The licensee immediately after the death in a children's home of a child shall cause notice thereof to be given to the local board of health of the city, village or town in which such home is located.

Sec. 4. The officers and authorized agents of the state child welfare bureau and the local board of health of the several cities, villages and towns of the state in which a licensed children's home is located may inspect such home at any time and examine every part thereof. The



officers and agents of the state child welfare bureau may call for and examine the records which are required to be kept by the provisions of this act and inquire into all matters concerning such home and the children therein; and the officers and agents of the state child welfare bureau shall visit and inspect such homes at least once in every six months and shall make, and the bureau shall preserve, reports of the conditions found therein. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility of viewing the premises and seeing the inmates.

Sec. 5. Whenever a child is received for care in a children's home, the licensee of such home shall use due diligence to ascertain whether such child was born in lawful wedlock and in case there is any reason to believe that such infant was not born in lawful wedlock, then and in such case such licensee shall notify the child welfare bureau thereof and furnish said bureau with such information bearing on such questions as may have come to the knowledge of the licensee or any officer or agent of any such home.

Sec. 6. No officer, agent, or employee of the state child welfare bureau or the local boards of health of the city, village or town where such licensed home is located, or any person who has held such position, shall directly or indirectly disclose the contents of the records herein provided for, or the particulars entered therein, or facts learned about the inmates thereof, except upon inquiry before a court of record, at a coroner's inquest or before some other tribunal, or for the information of the state child welfare bureau or local board of health of the village, city or town in which said home is located: Provided, however, that nothing herein shall prohibit the child welfare bureau from disclosing such facts with the consent of a parent of said child to such proper persons as may be in the interest of any child maintained in said home.

Sec. 7. In a prosecution under the provisions of this act or any penal law relating thereto, a defendant who

relies for defense upon the relation of any child to himself, shall have the burden of proof as to such relationship.

Sec. 8. Every person who violates any of the provisions of this act shall upon conviction be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

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## BILL NO. 30.

### LICENSING MIDWIVES. (A new and independent act.)

#### Abstract of the bill.

1. For the regulation of the practice of midwifery the board of examination and licensure in the department of public welfare is authorized to conduct examinations, require qualifications, and issue licenses to midwives.

2. It is made unlawful to practice without such license after six months from the passage of the act.

3. The board may make rules for the supervision and inspection of the work of licensees

#### References.

This law is based on the Pennsylvania law, Purdon's Digest, 6: 6608-12.

American Association for Study and Prevention of Infant Mortality, Report. Baltimore. 1915, pp. 105-132.

Pennsylvania. Bureau of Medical Education and Licensure. Bulletin 11. Harrisburg. 1920.

## A BILL

For an Act to provide for the licensing of midwives, for the collection of fees, and to fix penalties for the violation of the act.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. From and after six months after the date of the passage of this act, it shall be unlawful for any person, except a duly licensed physician, to practice midwifery in this state before receiving a certificate from the department of public welfare, to do so.

Sec. 2. The board of medical examination and licensure in the department of public welfare shall constitute an examining board who shall require such qualifications and prescribe such examination as are, in their opinion, necessary to determine the fitness of applicants to prac-

tice midwifery. The department of public welfare shall formulate and issue such rules and regulations and provide such methods of supervision and inspection of midwives as may be necessary for the proper conduct of the practice of midwifery by midwives. Said department of public welfare shall issue licenses to midwives having fulfilled the requirements laid down by the examining board, which licenses shall be revokable by the department of public welfare on proof of violation of any of its rules and regulations. The department of public welfare may refuse to grant a license to any person addicted to the use of alcohol or narcotic drugs or who may have been guilty of a crime involving moral turpitude.

Sec. 3. Each and every applicant for license to practice midwifery shall pay to the department of public welfare the sum of ten dollars at the time of making such application.

Sec. 4. Out of the funds coming into the hands of the department of public welfare as fees for the examination of midwives each member of the examining board shall receive as compensation ten dollars for each day actually spent in attending meetings in the discharge of the duties of his office and the actual expense of each member of said board of examiners in traveling to and from the place of meeting and while attending such meeting of said examining board.

Sec. 5. Any person practicing midwifery as a profession or advertising herself as a midwife without first obtaining a license aforesaid, shall be deemed guilty of a misdemeanor and upon first conviction shall be punished by fine of not less than ten dollars nor more than fifty dollars. For a second conviction under this section the person convicted shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail not less than ten days nor more than sixty days, or by both fine and imprisonment in the discretion of the judge.

Sec. 6. Any female person other than those regularly licensed to practice obstetrics who shall attend a woman



in childbirth, for hire, or who shall make a practice of attending women in childbirth, gratuitously or for hire shall be regarded as a midwife within the meaning of this act: Provided, that nothing in this section shall prevent anyone licensed to practice obstetrics from practicing midwifery; nor to prohibit a student of medicine matriculated at and in attendance at a legally incorporated medical school or college recognized and approved by the department of public welfare from practicing obstetrics under the supervision of the faculty of the medical school or college in which he is a duly registered student.

Sec. 7. Every person, who shall receive a license as provided in this act, shall before engaging in the practice of midwifery in any city, town or county in this state, file such license or a copy thereof in the office of the county clerk in the county in which she resides or intends to practice. Such license or copy shall be filed by the county clerk and by him recorded in a book kept by him properly indexed known as the "Physicians' Register" and for such services the county clerk shall receive from the applicants the same fees as allowed for recording a physician's license.

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(B.) RECREATION.

**BILL NO. 31.**

POOL HALLS.  
(An amendatory act.)

Abstract of Changes.

1. Pool halls and pool tables to be included in the statute, relating to billiards, prohibiting minors under the age of eighteen from playing.

**A BILL**

For an Act to amend section 8813 of the Revised Statutes of 1913 and to repeal said original section.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 8813 of the Revised Statutes of 1913 be amended to read as follows:

8813. If any owner or keeper of a billiard, saloon, or pool hall or any owner or keeper of a billiard or pool table, at any ~~grocery or other~~ public place, shall permit or suffer any minor under the age of eighteen years to play at any game of billiards in such ~~grocery, saloon~~ pool hall, billiard hall or public place or upon such billiard or pool table, or to remain or be in or upon the premises so occupied by him as such billiard, saloon or pool hall or in which shall be such billiard or pool table as aforesaid, every such person or persons shall forfeit and pay a fine of twenty dollars for the first offense and fifty dollars for each succeeding offense.

Sec. 2. That said original section 8813 of the Revised Statutes of 1913 is hereby repealed.

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## BILL NO. 32.

### STATE BOARD OF INSPECTORS OF MOTION PICTURES (A new and independent act.)

#### Abstract of the bill.

1. A bureau of inspection of motion pictures is established in the department of public welfare, with a board of inspectors consisting of three members appointed by the head of the department.

2. All motion picture films and advertising matter must be approved by the board before being exhibited in the state, and the statement of approval must be shown on the screen.

3. No other statement of approval may be shown.

4. The board shall approve such films as are "moral and proper" and disapprove such as are sacriligious, obscene, indecent, immoral, or tend to corrupt morals or incite to crime.

5. The board shall issue a bulletin showing eliminations, rejections, and classification of films approved.

6. The board may appoint necessary assistants including inspectors to enforce the law.

7. Fees are to be charged for all inspections, to be transmitted to the state treasury.

8. Provisions are made for appeal to the courts.

#### References.

House of Rep. 63rd Cong. Motion Picture Commission. Hearings. No. 2. 1914.

Annual Reports of State Board of Censors. Penn.

Annual Report of Board of Review, Kansas.

## A BILL

For an Act relating to motion picture films, reels, and views, providing a system of examination, approval

and regulation thereof, and of the banners, posters and other advertising matter used in connection therewith; creating a Bureau of Inspectors of Motion Pictures in the Department of Public Welfare and providing penalties for the violation of this act.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That the word "film" as used in this act means what is usually known as a motion picture film. The word "reel" as used in this act means one thousand feet of film, or fraction thereof. That the word "view" as used in this act means what is usually termed a stereoptican or lantern slide. The word "person" as used in this act includes an individual, association, co-partnership, or a corporation.

Sec. 2. It shall be unlawful after the expiration of ninety days after this act goes into effect for any person to sell, lease, lend, exhibit or use any motion picture film, reel or view in Nebraska unless the said film, reel or view has been submitted by the exchange, owner or lessee of the film, reel or view to, and duly approved by the Nebraska Board of Inspectors of Motion Pictures hereinafter in this act called the Board. This section shall not apply to local announcements and local advertising slides.

Sec. 3. There is hereby created in the state department of public welfare a Bureau of Inspectors of Motion Pictures. Within ten days after this act goes into effect the child welfare council of the state child welfare bureau shall nominate not less than six residents who are citizens of the state from whom the secretary of the state department of public welfare shall appoint three, not more than two of whom shall be of one sex, as members of the Board of Inspectors of said bureau. One member shall be appointed for a term of one year, one for a term of two years, and one for a term of three years. Thereafter the secretary of the department of public welfare shall appoint the members of said board nominated in said manner for regular terms of three years each, and in case of vacancy for the unexpired term. A vacancy shall not



impair the right and duty of the remaining members to perform all the functions of the board. Persons appointed as members of the board shall be well qualified by education and experience to serve on said board and any member may be removed therefrom at any time for cause, upon due notice and hearing by the secretary of the department of public welfare. No person shall be eligible to serve on said board who has any financial interest in the manufacture, distribution or exhibition of motion picture films, reels, or views.

Sec. 4. The board shall procure and use an official seal which shall contain the words "Nebraska State Board of Inspectors" together with such design engraven thereon as the Board may prescribe.

Sec. 5. The Board shall examine, or supervise the examination of all films, reels, or views to be exhibited or used in Nebraska and shall approve such as are moral and proper, and shall disapprove such as are sacriligious, obscene, indecent, immoral, or such as tend, in the judgment of the Board, to debase or corrupt public morals, or tend to incite to the commission of crimes. In passing upon any film the Board shall take into consideration the fact that children attend exhibitions where the films are shown and that they are especially susceptible to impressions.

Sec. 6. Every person intending to sell, lease, exhibit, or use any film, reel or view in Nebraska, shall submit the film, reel or view to the Board for inspection, and shall make application for such inspection upon a blank form to be prescribed by the Board and shall furnish with the application a description of the film, reel or view and the theme thereof. He shall also furnish a list of any changes made in the film, reel or view before the same has been submitted for examination by the Board, and shall comply with the directions of the Board in making required changes before approval by the Board of a film, reel or view is given.

Sec. 7. Upon each film or reel which has been approved by the Board there shall be furnished and stamped

the following certificate or statement "Passed by the Nebraska State Board of Inspectors" and the Board shall also furnish a certificate thereof to the same effect. In the case of motion pictures such statement shall be shown on the screen following the main title to the extent of approximately five feet of film. In the case of slides or views each set shall have at least two slides or views shown with a similar statement. The display of any official certificate, or statement of approval on any film or reel displayed in the state other than herein authorized is prohibited.

Sec. 8. The Board shall keep a record of all examinations made by it of films, reels or views; noting on the record all films, reels or views which have been approved and those that have not been approved, with reason for such disapproval.

Sec. 9. The Board shall report, in writing, annually to the governor for the fiscal year on or before the thirty-first day of December. The report shall show:

1. A record of its meetings, and a summary of its proceedings during the year immediately preceding the date of the report.

2. The results of all examinations of films, reels, or views.

3. A detailed statement of all prosecutions for violation of this act.

4. A detailed and itemized statement of all expenditures made by or on behalf of the Board.

5. Such other information as the Board may deem necessary or useful in explanation of the operations of the Board.

6. Such other information as shall be requested by the governor.

Sec. 10. Each member of the Board shall subscribe an oath to perform faithfully the duties of the office and furnish a bond to the State of Nebraska for the sum of three thousand dollars conditioned on the faithful performance of his duties. The Board shall organize by choosing one member as chairman, one as vice-chairman

and one as secretary, each of whom shall perform the usual duties of such office. Each member shall receive an annual salary of \$3,000. All fees shall be paid to the Board. The Secretary of the Board shall keep a record of same and shall transmit each week the fees to the state treasurer.

Sec. 11. The Board shall appoint such operators, clerks, inspectors and other employes as may be necessary and fix the compensation therefor. These shall hold office during the pleasure of the Board.

Sec. 12. Each member and employee of the Board shall be allowed all expenses, actually and necessarily incurred by him or her in carrying out the purposes of this act.

Sec. 13. For the examination of each film, the Board shall receive, in advance, a fee of not to exceed two dollars, for each reel or set of views inspected, whether original or copies. The Board shall have authority to reduce, from time to time, the examination fee below the maximum aforesaid, if and when the fees collected shall be more than sufficient to pay all of the salaries, charges and expenses connected with the carrying out of the provisions of this act.

Sec. 14. Any member or employee of the Board may enter any place in the state where films, reels or views are exhibited; and such member or employee is hereby empowered and authorized to prevent the display or exhibition of any film, reel or view which has not been duly approved by the Board.

Sec. 15. It shall be unlawful for any person to hinder or interfere in any manner with any member or employee of the Board while performing any duties in carrying out the intent or provisions of this act.

Sec. 16. This act shall be enforced by the Board. The Board may adopt such reasonable rules and regulations, not inconsistent with the laws and constitution of the state, as it may deem necessary for enforcing the provisions of this act.

Sec. 17. The principal office of the Board provided for in this act shall be located at Lincoln, Nebraska, and any



person, company or corporation aggrieved by the action thereof, may have redress in the District Court of Lancaster County, by commencing proceedings therein within sixty days from the action of the Board complained of by such person, company or corporation; Provided, however, that the beginning or pending of any such proceedings shall not abate or suspend the action of the Board until the final disposition of such proceedings by the courts.

Sec. 18. The Board may order a re-examination without fee of any film, reel or view approved by it, upon giving ten days' written notice to the owner or lessee of said film or reel. At such re-examination the Board may make such order as would be proper upon the original examination.

Sec. 19. The Board may, in its discretion, grant, without fee, a special permit for the exhibition of a film, reel or view, for purely educational, charitable or religious purpose.

Sec. 20. Any person violating any provision of this act or any rule or regulation of the Board, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding twenty-five dollars for the first offense, and not less than one hundred dollars nor more than five hundred dollars for such succeeding offense, or by imprisonment for not less than thirty days and not more than six months in the county jail. Each time a film, reel or view or part thereof is exhibited that has not been approved or without showing on the screen the statement of approval as hereinbefore provided shall be deemed a separate offense.

Sec. 21. Any person exhibiting in public, any misbranded film, that is, any film carrying the official approval of the Board, which approval was not put there in accordance with action of the Board, or containing any matter not therein contained when the approval was granted by the Board, shall upon conviction be deemed guilty of a misdemeanor, and punished by a fine of not less than fifty dollars or not more than five hundred dollars, or by imprisonment in the county jail for not

less than thirty days and not more than six months, and upon conviction the court may order the said misbranded film to be destroyed.

Sec. 22. A copy of all printed, newspaper, photograph, lithograph, or other advertising of any film, reel or view shall be submitted to said Board and shall be subject to its examination and approval. The Board shall make necessary rules for the inspection of such advertising matter and may disapprove such advertising matter as is misleading, immoral or indecent. The advertising of any film, reel or view by use of matter not approved by said Board, or the advertising of any film, reel or view as has been prohibited by said Board is hereby declared to be a misdemeanor and any person convicted thereof shall be punished by a fine not exceeding twenty-five dollars for the first offense, and upon conviction for the second or any subsequent offense shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not less than thirty days and not more than six months, and the court may order the seizure and confiscation of said film, reel or view.

Sec. 23. It shall be the duty of said Board to grade and classify in its reports all films, reels or views approved by them. The Board shall issue bulletins containing lists of all films disapproved all eliminations and the grading of all films approved.

Sec. 24. If any section or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses or phrases is declared unconstitutional.

## Chapter IV.

### GENERAL CHILD WELFARE.

#### (A.) MARRIAGE AND DIVORCE.

#### BILL NO. 33.

#### THE MARRIAGE LAW.

(An amendatory act.)

#### Abstract of Changes.

1. Age at which girls may legally marry raised from sixteen to eighteen years.

2. The marriage of persons who are feeble-minded, or afflicted with hereditary insanity or epilepsy or venereal disease is prohibited.

3. Common law marriages are prohibited.

4. A period of ten days must intervene between the application for and the issuance of a marriage license.

5. Both applicants for a license must present certificates from a licensed physician showing freedom from venereal disease.

6. As to the physical and mental fitness of candidates the judge may require examination and testimony by physicians or mental specialists.

7. Consent of the parent of either candidate under twenty-one years of age shall be in the form of an affidavit.

8. Penalties are imposed for violations of any of the new provisions of the act.

#### References.

Hall & Brooke, Marriage Laws of the States. Russell Sage Foundation.

George Elliott Howard, History of Matrimonial Institutions.

#### Cross references.

.See Part II, page 46, and bills 37, 47, 49.

### A BILL

For an Act to regulate marriage and to amend sections 1541, 1543, 1544, 1545, 1546, 1547, 1550 and 1552 of the Revised Statutes of 1913 and to repeal said original sections and to create four additional sections to be numbered 1541a, 1543a, 1543b, and 1543c of the Statutes and to repeal all acts and parts of acts in conflict herewith.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 1541 of the Revised Statutes of 1913 is hereby amended to read as follows:



Section 1541. At the time of the marriage ~~the male~~ both parties must be of the age of eighteen years or upwards, and the female of the age of sixteen years or upwards.

Sec. 2. That the following additional section is hereby enacted.

*1541a. No person who is afflicted with venereal disease or who is an imbecile, or a feeble-minded person, or a person who is or has been afflicted with hereditary epilepsy or hereditary insanity shall marry in this state.*

Sec. 3. That section 1543 of the Revised Statutes of 1913 is hereby amended to read as follows:

1543. Previous to the solemnization of any marriage in this state, a license for that purpose must be obtained from the county judge of the county wherein the marriage is to take place, and no marriage hereafter contracted shall be recognized as valid unless such license has been previously obtained, and unless such marriage is solemnized by a person authorized by law to solemnize marriages. Common-law marriages hereafter contracted shall be null and void.

Sec. 4. That the following additional sections are hereby enacted:

*1543a. Persons who intend to be joined in marriage in this state shall, not less than ten days before obtaining a license therefor, cause a written notice of their said intention, signed by them, to be filed in the office of the county judge requested by such persons to issue such license, which said notice shall contain the information respecting the said persons intending to marry which is required by law to be given before the issuance of such a license; and showing that neither of said parties comes within the prohibitions contained in this chapter; and shall set forth the names and addresses of the contracting parties and the dates of the filing of said notice; and said notice shall be posted by the county judge in a conspicuous place in the county court room and it shall be the duty of the county judge to see that said notice is so posted continuously during the ten day period: Pro-*

vided, however, that said ten day period may be dispensed with on the written order of the county court entered of record of the county in which said license is applied for, such order being issued only for good cause shown and by reason of such unusual conditions as to make a period of delay unwise.

154.3b. At any time within fifteen days prior to the application for a marriage license, the contracting parties shall be examined by a licensed physician as to the existence or non-existence in such persons of any venereal disease, and it shall be unlawful for the county judge of any county to issue a license to marry to any persons who fail to present and file with such county judge a certificate setting forth that such persons were, at the time of the examination which shall not be more than fifteen days before the filing of the application for the license, free from venereal diseases so nearly as can be determined by a thorough examination and by the application of the recognized clinical and laboratory tests of scientific research when in the discretion of the examining physician such clinical and laboratory tests are necessary. When a microscopical examination for gonococci or the Wasserman test for syphilis is required such examination shall upon the request of any physician in the state be made by the laboratory of the state department or bureau of health free of charge. Such certificate shall be made by a physician, licensed to practice in this state or in the state in which such contracting persons reside, shall be filed with the application for license to marry, and shall read as follows, to-wit:

I,.....(name of physician), being a physician, legally licensed to practice in the state of....., my credentials being filed in the office of....., in the city of....., county of....., state of....., do certify that I have this.....day of.....19...., made a thorough examination of.....(name of person), and believe him (her) to be free from all venereal diseases.

.....(Signature of physician).



1453c. The county judge may, in his discretion, require that testimony be given by the county or city physician, or any licensed physician or by any person qualified as an expert in psychology or psychiatry, regarding the mental or physical condition of any applicant for a marriage license. Such physician or expert shall be allowed the witness fee allowed by law to witnesses in county court, the same to be paid by the county.

Sec. 5. That sections 1544, 1545, 1546, 1547, 1550, and 1552 of the Revised Statutes for 1913 are hereby amended to read as follows:

1544. When either party is a minor, no license shall be granted without the ~~verbal consent, if present or~~ written consent, ~~if absent,~~ of the father, ~~if living, if not, then of the~~ mother, ~~of such minor and mother of such minor, if the~~ father and mother are living together, if not, then of the parent having the legal custody of such minor, and if such minor is not in the legal custody of either parent, then of the legally appointed ~~or of the~~ guardian of the person ~~under whose care and government such minor~~ may be, ~~which written consent shall be proved by the testi-~~mony of at least one competent witness of such minor. Such written consent shall be in the form of an affidavit duly signed and sworn to or affirmed by the parents or parent or guardian. Such affidavit shall be duly recorded in the office of the county judge. Any person making a false statement in such an affidavit shall be guilty of perjury and upon conviction shall be punished as for perjury.

Sec. 1545. When application shall be made for license to the county judge, he shall ~~upon the~~ before granting of such license ~~state therein~~ require both applicants to appear in person and shall ascertain by inquiring from each of them, under oath, the Christian and surnames of the fathers of both parties, the Christian and maiden names of the mothers of both parties, the Christian and surnames of the parties, the residence of both parties, their places of birth, their respective ages, their color;



and may require a certified copy of a birth certificate or other evidence as to the age of the applicants and upon the granting of such license shall state therein the aforesaid data; which license shall prior to the issuing thereof be entered of record in the office of the county judge in a suitable book to be provided for that purpose.

1546. If, on such testimony being given, it shall appear that either of the parties is legally incompetent to enter into such contract *or is insane, or an idiot, or an imbecile or a feeble-minded person, or a person who is or has been afflicted with hereditary insanity or hereditary epilepsy*, or that there is any impediment in the way, or, if either party is a minor, and the consent mentioned in section ~~1544~~ *five of this chapter* shall be given, the said judge shall refuse to grant a license.

1547. Every judge and justice of the peace, and every ~~minister preacher~~ of the gospel authorized by the usages of the church to which he belongs, to solemnize marriages, may perform the marriage ceremony in this state. ~~and~~ *A judge, justice of the peace or minister of the gospel shall not perform a marriage ceremony unless the persons desiring to be married shall present a license to marry which license was issued as provided in this act not more than thirty days before the performance of such ceremony.* Every such person performing the marriage ceremony shall enter upon the said license a full return of his proceedings in the premises, which return shall be made to the county judge of the proper county, within ~~three months~~ *thirty days* after such marriage has been performed, and which return the county judge shall record or cause to be recorded in the same book where the marriage license is recorded.

1550. Every person having authority to join others in marriage shall, within ~~three months~~ *thirty days* after the solemnization of any such marriage, make and deliver to the county judge of the county in which the marriage took place, a certificate containing the particulars mentioned in the preceding section.

1552. If any *judge*, justice, minister, or other person whose duty it is to make and transmit to the county judge such certificate, shall neglect to make and deliver the same; or if the county judge shall neglect to record such certificate; or if any person shall undertake to join others in marriage, knowing that he is not legally authorized so to do, or knowing of any legal impediment to the proposed marriage; or if any person authorized to solemnize any marriage shall wilfully and knowingly make a false certificate of any marriage to the county judge or if the county judge *or the clerk of the county court* shall wilfully and knowingly make a false record of any certificate of marriage to him made, *or shall issue a license contrary to the provisions of this act or with the knowledge that the parties are prohibited from contracting marriage under the laws of this state or if any person shall make an affidavit or statement necessary to the obtaining of the license and shall wilfully and falsely swear or procure another to swear falsely in regard to any matter of fact relating to the competency of either or both parties, or if any physician shall knowingly make a false certificate as provided in section 1543b,* he shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding five hundred dollars, or imprisonment for a period not exceeding one year.

Sec. 6. If any section or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections subdivisions, sentences, clauses, or phrases is declared unconstitutional.

Sec. 7. That said original sections 1541 1543, 1544, 1545, 1546, 1547, 1550 and 1552 of the Revised Statutes of 1913 and all acts and parts of acts in conflict herewith are hereby repealed.

## BILL NO. 34.

DIVORCE.  
(An amendatory act.)

### Abstract of Changes.

1. In divorce cases where minor children are involved and in default cases, it is made the duty of the court to make independent investigations, in the interest of the children or of society.

### Cross references.

See Part II, page 46 and bill 33.

## A BILL

For an Act to amend section 1573 of the Revised Statutes of 1913 relating to divorce and to repeal said original question.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 1573 of the Revised Statutes of 1913 be amended to read as follows:

1573. Suits to annul or affirm a marriage, or for a divorce, shall be conducted in the same manner as other suits in courts of equity; and the court shall have the power to award issues, to decree costs, and enforce its decrees as in other cases: *Provided, that it shall be the duty of the court to make independent investigations of the merits of all default cases and cases where minor children are involved through a probation officer or county superintendent of child welfare or other agency.*

Sec. 2. That said original section 1573 of the Revised Statutes of 1913 is hereby repealed.

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(B.) GENERAL LAWS FOR THE PROTECTION OF CHILDREN.

## BILL NO. 35.

KIDNAPPING.  
(An amendatory act.)

### Abstract of Change.

In the section penalizing the act of aiding or abetting in kidnapping the age of the child to whom it may apply is raised from ten to eighteen years.

## A BILL

For an Act to amend section 8599 of the Revised Statutes of 1913 relating to child stealing and to repeal said original section.



*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 8599 of the Revised Statutes of 1913 be amended to read as follows:

8599. Whoever harbors or conceals with intent to detain from its parent or parents or guardian any child under the age of ~~ten~~ *eighteen* years, so led, taken, carried, decoyed or enticed away, as in the preceding section specified, shall, upon conviction thereof, be imprisoned in the penitentiary not more than seven years nor less than one year.

Sec. 2. That said original section 8599 of the Revised Statutes of 1913 is hereby repealed.

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### BILL NO. 36.

ABANDONMENT.  
(An amendatory act.)

#### Abstract of Change.

The age is raised from fourteen to sixteen years.

#### Cross references.

Corresponding changes are made in bills 7, 17, 18, 26. See bill 13, Sec. 3, and bill 37.

### A BILL

For an Act to amend Section 1667 of the Revised Statutes of 1913 relating to abandonment and mistreatment of children and to repeal said original section.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 1667 of the Revised Statutes of 1913 be amended to read as follows:

1667. It shall be unlawful, and it is hereby declared to be cruelty, for any person having the care, custody, or control of any child or children under the age of ~~fourteen~~ *sixteen* years, ~~to~~ wilfully to abandon, cruelly or unlawfully punish, or wilfully or negligently deprive of necessary food, clothing or shelter such child or children.

Sec. 2. That said original section 1667 of the Revised Statutes of 1913 is hereby repealed.

## BILL NO. 37.

### FAILURE TO SUPPORT WIFE OR CHILD.

(An amendatory act.)

#### Abstract of Changes.

1. Abandonment and failure to support a child by anyone legally responsible for its care is made a felony.

2. Question of intent defined.

3. Jurisdiction, which by an amendment in 1919, was placed in the district (juvenile) court, is here placed in the county, district or domestic relations court.

4. The provision that jurisdiction shall be exercised by the county court only when the judge of the district court is absent from the county is eliminated, as being possibly unconstitutional.

#### Cross references.

See bill 13, Sec. 3, and bill 36.

### A BILL

For an Act to amend sections 8614 and 8616 of the Revised Statutes of 1913, and section 8615 of the Revised Statutes of 1913 as amended by section 1 of chapter 168 of the laws of 1919 relating to wife and child abandonment, and to repeal said original sections.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That sections 8614 and 8616 of the Revised Statutes of 1913 be amended to read as follows:

8614. Whoever, without good cause, abandons his wife and wilfully neglects or refuses to maintain or provide for her, or whoever abandons his or her ~~legitimate or illegitimate~~ child or children *whether born in lawful wedlock or not* under the age of sixteen years, and wilfully neglects or refuses to provide for such child or children, *and whoever being legally responsible for the care of any child under the age of sixteen years shall wilfully neglect or refuse to provide for such child or children* shall upon conviction be deemed guilty of a desertion and be punished by imprisonment in the penitentiary for not more than one year or by imprisonment in the county jail for not more than six months. *Desertion of and failure to support a child or pregnant wife for a period of three months shall be presumptive evidence of intention wholly to abandon.*

Sec. 2. That section 8615 of the Revised Statutes of 1913 as amended by section 1 of chapter 168 of the Laws of 1919 is hereby amended to read as follows:

8615. All cases coming within the provisions of this article shall be heard in *the county court*, the district court, ~~by the judge presiding over the juvenile court, which except in the absence of the district judge from the county or the court of domestic relations which courts together~~ shall have exclusive original jurisdiction thereof. ~~When the judge of the district court is absent from the county, the county court shall have concurrent jurisdiction with the district court~~ *Each court shall have and* the authority of an examining magistrate of all prosecutions brought under this article, and such jurisdiction when it attaches, shall continue, ~~with the right of appeal in that court: Provided that cases heard in the county court may be appealed to the district court.~~ If, after the filing of the complaint, but before conviction, the accused shall pay or secure to the person or persons entitled to support such sum of money not less than two hundred dollars nor more than one thousand dollars, or property of equal value, the court may discharge the accused on payment by him of the costs of prosecution. If after conviction and before sentence, the accused shall execute a bond running to the State of Nebraska to be approved by the court, in the penal sum of not less than two hundred dollars nor more than one thousand dollars, conditioned that the accused shall furnish the person or persons entitled thereto with the support required by law, the court may, on payment by him of the costs of prosecution, suspend sentence. The bond herein provided for shall remain in force as long as the court deems it necessary, but whenever it shall appear that the accused, is in good faith, complying with such provisions of the law, the court may annul said bond and dismiss the prosecution.

Sec. 3. That section 8616 of the Revised Statutes of 1913 is hereby amended to read as follows:

8616. Upon the failure of ~~such husband or parent~~ *the accused* to comply with said undertaking he or she



may be arrested by the sheriff or other officer on a warrant issued on the praecipe of the prosecuting attorney, and brought before the court for commitment, whereupon the court may commit, or, for good cause shown, may modify the order and take a new undertaking and further suspend sentence as may be just and proper.

Sec. 4. That sections 8614 and 8616 of the Revised Statutes of 1913 and section 8615 of the Revised Statutes of 1913 as amended by section 1 of chapter 168 of the laws of 1919 are hereby repealed.

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### BILL NO. 38.

#### ADVERTISING CURES FOR VENEREAL DISEASES. (An amendatory act.)

##### Abstract of Change.

1. Periodicals, posters, labels and pamphlets added to prohibited media for advertisement of cures.

### A BILL

For an Act to amend section 8789 of the Revised Statutes of 1913 relating to the advertising of cures for venereal diseases and to repeal said original section.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 8789 of the Revised Statutes of 1913 is hereby amended to read as follows:

8789. Whoever prints or publishes or causes to be printed or published in any newspaper, *periodical, circulars, posters, labels or pamphlets* published or circulated in this state any advertisement of medicine, drug, nostrum or apparatus for the cure of private or venereal diseases, or shall circulate or distribute any newspaper, *periodical, circulars, posters, labels or pamphlets* containing such an advertisement or notice mentioned in this section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one thousand dollars nor less than fifty dollars, or be imprisoned in the county jail not more than one year, or by both.

Sec. 2. That section 8789 of the Revised Statutes of 1913 is hereby repealed.

## BILL NO. 39.

### SALE OF POISON. (An amendatory act.)

#### Abstract of Changes.

1. Signature of purchaser and of one witness required.
2. Maximum penalty raised.

### A BILL

For an Act to regulate the sale of poisons and to provide penalties for the violation of this act and to amend sections 8603 and 8605 of the Revised Statutes of 1913 and to repeal said original sections.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 8603 of the Revised Statutes of 1913 is hereby amended to read as follows:

8603. Every apothecary, druggist, or other person, who shall sell or give away, except upon the prescription of a physician, any article, or articles of medicine belonging to the class usually known as poisons shall: ~~be required:~~

First—~~To~~ Register in a book kept for that purpose the name, age, sex and color of the person obtaining such poison; ~~Second~~ the quantity sold; ~~Third~~ the purpose for which it is required; ~~Fourth~~ the day and date on which it was obtained; ~~Fifth~~ the name and place of abode of the person for whom the article is intended;

*Second—Require the purchaser to sign his name to the foregoing statement and to have such signature attested by the signature of a witness other than the seller, or his employee.*

~~Sixth~~ *Third—*~~to~~ Carefully mark the word "poison" upon the label or wrapper of each package.

~~Seventh~~ *Fourth—*~~to~~ Neither sell nor give away any article of poison to minors of either sex.

Sec. 2. That section 8605 of the Revised Statutes of 1913 is hereby amended to read as follows:

8605. Any person offending against the provisions of either of the last two preceding sections shall be fined in any sum not less than twenty nor more than ~~one hundred~~ *two hundred* dollars.

Sec. 3. That said original sections 8603 and 8605 of the Revised Statutes of 1913 are hereby repealed.

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(C.) SEX CRIMES.

BILL NO. 40.

RAPE.

(An amendatory act.)

Abstract of Changes.

1. Penalty of life imprisonment which this section imposed for forcible rape of a daughter or sister is made to apply to all cases of forcible rape.

2. In cases of rape on a female under eighteen, with her consent, the question of previous chastity is eliminated.

3. The penalties are increased and differentiated according to the age of the child.

Cross references.

See Part II, page 47 and bills 41, 42, 43 and 44.

References.

Laws Affecting Women and Children, Annie G. Porritt, pp. 147-153. .. ..

A BILL

For an Act to amend sections 8587 and 8588 of the Revised Statutes of 1913 relating to rape and to repeal said original sections.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That sections 8587 and 8588 of the Revised Statutes of 1913 are hereby amended to read as follows:

8587. Whoever shall have carnal knowledge of ~~his daughter or sister~~ *any woman or female child* forcibly and against her will shall be deemed guilty of rape and shall be imprisoned in the penitentiary during life.

8588. ~~Whoever shall have carnal knowledge of any other woman or female child than his daughter or sister as aforesaid forcibly and against her will or~~ If any male person of the age of eighteen years or upwards shall carnally know or abuse any female child under the age of eighteen years, with her consent, ~~unless such female child so known and abused is over fifteen years of age and previously unchaste~~ *he* shall be deemed guilty of a rape, and shall be impris-



oned in the penitentiary ~~not more than twenty nor less than~~ three years as follows:

*First, when such female child shall be under the age of fourteen years, by imprisonment in the penitentiary for life.*

*Second, when such female child shall be fourteen years and under the age of eighteen, by imprisonment in the penitentiary for not less than two nor more than twenty years.*

*Third, when such female child shall be sixteen years and under the age of eighteen years, by imprisonment in the penitentiary for not less than two years nor more than twenty years.*

Sec. 2. That sections 8587 and 8588 of the Revised Statutes of 1913 and all acts and parts of acts in conflict with this act are hereby repealed.

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## BILL NO. 41.

### INCEST.

(An amendatory act.)

#### Abstract of Changes.

1. The law to be limited in its application to persons over eighteen years of age.

2. The penalty clause is strengthened by inserting a minimum of five and raising the maximum to ten years imprisonment.

3. The maximum penalty for a father cohabiting with his daughter is raised from twenty years to life imprisonment.

#### Cross references.

See Part II, page 47 and bills 40, 42, 43 and 44.

## A BILL

For an Act to amend sections 8770 and 8771 of the Revised Statutes of 1913 relating to incest and to repeal said original sections.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That sections 8770 and 8771 of the Revised Statutes of 1913 be amended to read as follows:

8770. Persons of the age of eighteen years or over and within the degrees of consanguinity within which marriages are declared by the preceding section to be in-

cestuous and void, who shall intermarry with each other, or who shall commit adultery or fornication with each other, or shall lewdly and lasciviously cohabit with each other, shall be liable to indictment, and upon conviction, be punished by imprisonment in the penitentiary not exceeding ~~ten years~~ *less than five nor more than fifteen years.*  
*years.*

8771. If a father shall rudely or licentiously cohabit with his own daughter, the father shall, on conviction, be punished by confinement in the penitentiary for ~~a term not exceeding twenty years~~ *life.*

Sec. 2. That said original sections 8770 and 8771 of the Revised Statutes of 1913 are hereby repealed.

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## BILL NO. 42.

### PANDERING.

(An amendatory act.)

#### Abstract of Changes.

1. The definition of the offense is amplified.
2. The penalty is increased, making it a felony.

#### Cross references.

See Part II, page 47 and bills 40, 41, 43 and 44.

## A BILL

For an Act to amend section 8772 of the Revised Statutes of 1913 relating to Pandering and to repeal said original section and to provide a penalty for the violation of this act.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 8772 of the Revised Statutes of 1913 be amended to read as follows:

8772. Whoever shall procure a female inmate for a house of prostitution ~~or ill fame~~ or assignation, or *whoever shall induce, encourage, inveigle, or entice a female person to become a prostitute;* or whoever by promises, threats, violence or by any devices or scheme, shall cause, induce, persuade, ~~or~~ encourage, *take, place, harbor inveigle or entice* a female person to become an inmate of a house of prostitution or shall procure a place

for a female as an inmate in a house of prostitution, or any place where prostitution is practiced, encouraged, or allowed for a female or whoever shall by promises, ~~or~~ threats, ~~or~~ violence, or by any device or scheme cause, induce, persuade ~~or~~ encourage, inveigle or entice an inmate of a house of prostitution, or assignation place to remain therein as such inmate; or whoever shall by promises, threats, violence or any scheme or device, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority; or having legal charge, shall take, place, harbor, inveigle, entice, persuade encourage or procure any female person to enter any place within this state in which prostitution is practiced encouraged or permitted for the purpose of prostitution, debauchery or any other immoral purpose; or whoever shall inveigle, entice, persuade encourage or procure any female person to come into or leave this state for the purpose of prostitution, debauchery or any other immoral purpose, or whoever takes or detains a female with the intent to compel her by force, threats, menace or duress to marry him or to marry any other person or to be defiled; or upon the pretense of marriage takes or detains a female person for the purpose of sexual intercourse with himself or any other person; or who shall receive or give or agree to receive or give any money or other thing of value for procuring or attempting to procure any female person to become a prostitute or come into this state or leave this state for the purpose of prostitution, debauchery or any other immoral purpose, shall be guilty of pandering, and upon conviction thereof for the first offense shall be punished by imprisonment in the county jail for a period of not less than six months, nor more than one year, or by a fine not to exceed one thousand dollars or both; and upon conviction for the second offense shall be imprisoned shall be punished by imprisonment in the penitentiary for a period of not less than three years nor more than ten years.

Sec. 2. That said original section 8772 of the Revised Statutes of 1913 is hereby repealed.



## BILL NO. 43.

### PUBLIC MORALS.

(A new and independent act.)

#### Abstract of the bill.

1. It is made a felony for a husband to encourage or permit his wife to lead a life of prostitution; for any person to levy tribute upon the earnings of a prostitute, or to detain any female in a house of prostitution because of any debts she has contracted; or to transport a female for immoral purposes into, through or across the state, or to debauch or deprive the morals of a boy under twenty-one years of age.

#### Cross references.

See Part II, page 47 and bills 40, 41, 42 and 44.

#### References.

Laws Affecting Women and Children, Annie G. Porritt, pp. 157-165.

## A BILL

For an Act relating to and defining offenses against public morals, and to provide penalties for violation of this act.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. Whoever by force, fraud, intimidation or threat, places, leaves, encourages, or procures any other person or persons to place or leave his wife in any house of prostitution or any place where prostitution is practiced, encouraged or permitted; or any person who by fraud, intimidation, threat, inducement, scheme or device, encourages or permits his wife to lead a life of prostitution shall be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than two nor more than ten years.

Sec. 2. Whoever shall knowingly accept, receive, levy or appropriate any money or other valuable thing without consideration, from the proceeds of the earnings of any female engaged in prostitution, or whoever, knowing a female to be a prostitute, shall derive support or maintenance, in whole or in part, from the earnings or proceeds of her prostitution or from moneys loaned or advanced to or charged against her by any keeper or manager or inmate of a house or other place where prostitu-

tion is practiced or permitted; or whoever shall appropriate any portion of the earnings of a prostitute under any pretense whatsoever, shall be deemed guilty of a felony and on conviction thereof shall be punished by imprisonment in the penitentiary for a term of not less than one year nor more than ten years. Any acceptance, receipt, levy or appropriation of such money or thing valuable shall, upon any trial or proceeding for violation of this section, be presumptive evidence of lack of consideration.

Sec. 3. Whoever shall attempt to detain any female person in a disorderly house or house of prostitution or any place where prostitution, debauchery, or other immoral practices are permitted or encouraged, because of any debts she has contracted, or is said to have contracted while living in said house or elsewhere, shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary for a term of not less than one year and not more than ten years.

Sec. 4. Whoever shall knowingly transport, or cause to be transported, or aid or assist in transporting, or secure transportation for, by any means of conveyance, into, through or across this state or from any county, township, city or village of this state to any other county, township, city or village any female person for the purpose of prostitution, debauchery, or any other immoral purpose, or with the intent or purpose to induce, entice or compel such female person to become a prostitute or engage in debauchery or immoral practices, shall be deemed guilty of a felony, and upon conviction thereof be punished by imprisonment in the penitentiary for a term of not less than one nor more than five years. Whoever shall commit the crime in this section mentioned may be prosecuted in any county, in or through which he shall so transport or attempt to transport any female person as aforesaid.

It shall not be a defense to a prosecution for any of the acts prohibited in the foregoing sections that any part of such act or acts shall have been committed outside this

state, and the offense shall in such case be deemed and alleged to have been committed and the offender tried and punished in any county in which the prostitution, debauchery, or other immoral practices were done or through which the defendant transported such female person for the purpose of committing such immoral act, or in which the offense was consummated, or any overt act in furtherance of the offense shall have been committed.

Sec. 5. Whoever shall debauch the person or deprave the morals of any boy under the age of twenty-one years, either by lewdly inducing such boy carnally to know any female person, or by indecent bodily contact with the person of any such boy communicate to him any venereal or other loathsome disease; or whoever shall solicit any such boy to visit a house of prostitution or other place where prostitution, debauchery, or other immoral practices are permitted or encouraged, for the purpose of prostitution, sexual intercourse, or other immoral practices; or whoever shall direct or accompany any such boy to any such place for such purpose or purposes; or whoever shall arrange or aid or assist in arranging any meeting for such purpose between any such boy and any female of dissolute character or any inmate of any place where prostitution, debauchery, or other immoral practices are permitted or encouraged; or whoever shall arrange or aid or assist in arranging any meeting between any such boy and any female person for the purpose of sexual intercourse, or other immoral practice shall be deemed guilty of a felony and upon conviction thereof shall be imprisoned in the penitentiary for not less than one nor more than ten years.

Sec. 6. If any section or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases is declared unconstitutional.



## BILL NO. 44.

### STERILIZATION OF RAPISTS. (A new and independent act.)

#### Abstract of the bill.

1. No person imprisoned for rape or attempted rape shall be paroled or discharged until examined by the board of examiners of defectives.

2. They shall determine whether he may with safety to society be released without an operation.

3. If their finding is adverse he shall not be permitted to leave the prison unless castrated.

#### References.

Jour. Crim. Law and Criminology. Vol. 2: 128-34. Vol. 3. pp. 282, 596.

### A BILL

For an Act to provide for an examination and investigation of the physical and mental condition and personal and family traits and history of prisoners convicted of forcible rape or of the rape of a girl under fourteen years of age and to require, in certain cases, the castration of such prisoners. -

*Be it Enacted by the People of the State of Nebraska:*

Section 1. No prisoner who shall have been sentenced to the penitentiary for forcible rape, or for the rape of a girl under fourteen years of age, or for assault with intent to commit rape may be discharged, or paroled, or furloughed from prison, or permitted to work or to be, for any purpose, outside the enclosure of the prison wall until such prisoner shall have been examined as hereinafter prescribed by the Board of Examiners of Defectives organized under the provisions of section 2 of chapter 237 of the Laws of Nebraska of 1915.

Sec. 2. The board of examiners shall meet for such purpose at the prison and shall carefully and thoroughly examine the physical and mental condition of such prisoner and shall investigate so far as practicable, his innate traits, his family traits and family history, his habits, associations and personal history before conviction, the circumstances surrounding the commission of the crime, and his record in the prison; and from such examination and investigation, and from any additional

evidence which may be presented to it, shall determine whether his traits, tendencies and history are such that if he were at large, unless castrated, he would probably endanger the safety of women and girls and that the peace and welfare of society requires his castration as a condition precedent to his leaving the prison.

Sec. 3. The Board of Examiners shall enter its findings in a record to be kept for that purpose; and if said board find that the traits, tendencies and history of said prisoner are such as to require, for the peace, safety and welfare of society, that such prisoner be castrated as a condition precedent to his being permitted to leave the prison, said board shall enter such order of record and no prisoner against whom such an order shall have been entered may thereafter be discharged nor paroled nor furloughed from the prison nor permitted to work nor to be, for any purpose, outside the enclosure of the prison wall unless and until such order of castration shall have been duly executed.

Sec. 4. Such order shall be humanely executed in the prison by the prison physician or by a surgeon from the staff of one of the state institutions, as may be designated by such Board of Examiners of Defectives, or by some surgeon selected by the prisoner with the approval of the Board of Examiners. If the operation shall be performed by a surgeon selected by the prisoner all expenses of such operation shall be borne by the prisoner; in all other cases the expenses shall be met out of the general funds appropriated to the maintenance of the prison.

Sec. 5. This act shall be liberally construed so as to effectuate its purpose which is to safeguard and protect the women and girls of the community, to preserve the peace of the state and to prevent violence, lawlessness and disorder.

(D.) CHILDREN BORN OUT OF WEDLOCK.

**BILL NO. 45.**

FILIATION PROCEEDINGS.

(A bill to repeal the present law and enact a new law.)

**Abstract of Changes.**

1. The terms "bastard" and "illegitimate child" are eliminated, and the new words; "filiated child" and "unfiliated child" are introduced and defined.

2. The bill provides for the beginning of "filiation proceedings" in county or district or domestic relations court, instead of in justice court.

3. The public may be excluded from the trial.

4. If the accused is found guilty he shall be adjudged to be the father of the child, which becomes a "filiated child," and he is subject to all the obligations for the care, maintenance and education of such child which are imposed by law upon a father of a child born in lawful wedlock

5. Provision is made for collection from him of all expenses of the prosecution and for the care of the mother during confinement and for eight weeks thereafter.

6. Prosecutions may be undertaken by the state child welfare bureau or the county board of welfare.

**Cross references.**

See Part II, page 49 and bill 5; bill 13, Sec. 3 and bills 28, 37, 46, 47, 48.

**References.**

National Conference Social Work, 1920, pp. 111-122, 167-78.

Illegitimacy as a Child Welfare Problem. Children's Bureau. 1920.

Illegitimacy Laws of the United States. United States Children's Bureau, Publication 42, 1919.

**A BILL**

For an Act to define the terms "filiated child," "unfiliated child," "filiation proceedings," to prescribe the manner of filiation proceedings, to provide for the collection of funds for the support of filiated children and for the support and care of mothers of filiated children from the persons acknowledged or adjudged to be the fathers of such children, and to provide penalties for the non-payment thereof and to repeal sections 357, 358, 359, 360, 361, 362, 363, and 364 of the Revised Statutes of 1913 and to repeal all acts and parts of acts in conflict with this act.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. For the purpose of this act the words "unfiliated child" shall mean any child born out of lawful



wedlock, whose father has not acknowledged, in writing, signed in the presence of a competent witness that he is the father of such child and who has not been adjudged to be the father of such child by a court of record. The words "filiated child" shall mean a child born out of wedlock whose father has acknowledged, in writing, signed in the presence of a competent witness that he is the father of such child, or a child whose father has been adjudged to be the father of such child by a court of record. The words "filiation proceedings" shall mean proceedings in a court of record to determine who is the father of an unfiliated child.

Sec. 2. On complaint made to any county or district judge or judge of a court of domestic relations in this state any unmarried woman resident therein who shall hereafter be delivered of an unfiliated child or being pregnant with a child, which if born alive may be an unfiliated child, accusing on oath or affirmation any person of being the father of said child, the judge shall take such accusation, in writing, and thereupon issue his warrant directed to the sheriff, or constable of any county of this state commanding him forthwith to bring such accused person before said judge to answer to said complaint, and on return of such warrant the judge, in the presence of the accused person shall examine the complainant under oath respecting the cause of her complaint and such accused person shall be allowed to ask the complainant, when under oath, any question he may think necessary for his justification; all of which questions, together with every other part of the examination, shall be reduced to writing by the judge, or a competent person appointed by the judge. The judge may at his discretion and at the request of either part shall, exclude the general public from attendance at such examination. If, on such examination, the party accused shall pay or secure to be paid to the complainant such sum or sums of money or property as she may agree to receive and as the judge approves, in full satisfaction, and shall give security of not less than one thousand dollars until the

total amount is paid, then and in that case the judge shall discharge the party accused out of custody, on his paying the cost of prosecution: Provided, the agreement aforesaid shall be made or acknowledged by both parties in the presence of the judge, who shall thereupon enter a memorandum of the same upon his docket.

Sec. 3. When any woman has an unfiliated child and neglects to bring suit for its maintenance, or commences a suit and fails to prosecute to final judgment, the director of the state child welfare bureau or the county board or the county board of child welfare in any county interested in the welfare or the support of such unfiliated child, where sufficient security is not offered to save the county from expense and to provide for the proper care and maintenance of such child and its mother, may bring a suit in behalf of the county against him who is accused of begetting such child or may take up and prosecute a suit begun by the mother of the child.

The judge may summon the woman to appear before him and may examine her on oath respecting the father of said child, time when and place where it was begotten, and any other facts he deems necessary for the discovery of the truth, and thereupon shall issue his warrant to apprehend the putative father. Thereafter the proceedings shall be the same as if the complaint had been made by such woman under the provisions of this act, and with like effect, and in all cases the complainant and the accused may require the attendance of such woman as a witness.

Sec. 4. If there is probable cause to believe the defendant guilty as charged in the complaint, and the defendant shall fail to pay or secure to be paid, or to give security to the complainant as required in section 2 of this act, the judge shall require him to enter into a recognizance to appear at the next term of the district court, or if such court is then sitting in the county, or if there be a court of domestic relations in the county, at a date fixed by the judge, with sufficient security, in the sum not less than one thousand dollars for the benefit of

the county in which such unfiliated child shall be born, to answer such accusation and to abide the order of the court thereon, and upon neglect or refusal to furnish such security, the judge shall cause him to be committed to the jail of the county there to be held to answer such complaint.

Sec. 5. If, at the time set for such trial, the woman be not delivered, or be unable to attend, the court shall order the renewal of the bonds of recognizance, that the accused person shall be forthcoming at the next court or at the time set by the court after the birth of the child, at which the mother of said child shall be able to attend; and the continuance of such bonds shall be entered by order of said court unless the security shall object thereto, and shall have the same force and effect as a recognizance taken in court for that purpose. If the sureties shall at any term of court surrender the defendant and ask to be discharged, or if the court shall at any time deem it proper, it may order a new recognizance to be taken, and commit the defendant until it is given.

Sec. 6. When such accused person shall plead not guilty to such charge before the court to which he is recognized, the court shall order the issue to be tried by a jury; and at the trial of such issue the examination at the preliminary hearing shall be given in evidence, when demanded by the defendant, and the mother of the unfiliated child shall be admitted as a competent witness. At the request of the plaintiff or the county board, she shall be represented throughout the case by the county attorney. The presiding judge may, at his discretion and at the request of either party, shall, exclude the general public from attendance at such trial.

Sec. 7. In case the jury find the defendant guilty, or such accused person before the trial shall confess in court that the accusation is true, he shall be adjudged to be the father of such child and henceforth shall be subject to all the obligations for the care, maintenance and education of such child, and to all the penalties for failure to perform the same, which are or shall be imposed by



law upon the father of like age and capacity, of a child born in lawful wedlock, and he shall stand charged with the maintenance thereof in such a sum or sums as the court may order and direct, together with suitable maintenance for the mother of such child, for not more than eight weeks prior to her confinement and not more than eight weeks thereafter. Judgment shall also be entered against him for the costs of prosecution for all the expenses incurred by the county or the mother for the lying in and support of, and attendance upon the mother during her sickness, and for the care and support of such child prior to such judgment of paternity, the amount of which expense, if any, shall also be found by a jury if it returns a verdict of guilty. If the defendant fails to pay the amount of such money judgment forthwith, or during such stay of execution as may be granted by a court, or neglect or refuse to give security to perform the aforesaid order and to pay such costs, he shall be committed to the county jail there to remain until he pays the same, or is discharged according to law; Provided, however, that no stay shall be granted unless the defendant shall give a bond to the county in such sum and with such sureties, as shall be approved by the court, for the payment of such money judgment on or before expiration of such stay.

Sec. 8. Any person who has been imprisoned ninety days for failure to pay any such money judgment may apply to said court, by petition setting forth his inability to pay the same, and that he has not in his own name any property, real or personal, and has no such property conveyed or concealed, or in any manner disposed of with design to secure the same to his use or to avoid in any manner payment of such judgment and praying to be discharged from imprisonment, and shall attach to such petition a verified statement of all his property, money, and effects whether exempt from execution or otherwise. Thereupon the court shall appoint a time and place for hearing said application, of which the petitioner shall give at least ten days notice to the plaintiff and to the county attorney.

Sec. 9. At the hearing the defendant shall be examined on oath in reference to the facts set forth in such petition and his ability to pay such money judgment and any other legal evidence in reference to such matters may be produced by any of the parties interested. If it appears that the defendant is unable to pay such judgment, the court may direct his discharge from custody. If upon such hearing it appears that the defendant has property, but not sufficient to pay such judgment, the court may make such order concerning the same, in connection with such discharge as justice may require. The defendant's discharge as aforesaid shall not affect the right of the county to collect upon execution any portion of such judgment remaining at any time unsatisfied subject to all the provisions of law relating to judgments for the payment of money.

Sec. 10. The director of the state child welfare bureau or the mother of said child or the duly appointed guardian of the person of a filiated child shall have authority to accept from the duly adjudged or acknowledged father of the child such sum as shall be approved by the court having jurisdiction of filiation proceedings, in full settlement of all obligations for the care, maintenance and education of such child; and shall hold or dispose of the same as ordered by said court.

Sec. 11. Upon the entry of a judgment determining the paternity of a filiated child the clerk of the court shall notify, in writing, the state registrar of vital statistics of the name of the person against whom such judgment has been entered, together with such other facts disclosed by his records as may assist in identifying the record of the birth of the child as the same may appear in the office of said registrar. If such judgment shall thereafter be vacated that fact shall be reported by the clerk in like manner.

Sec. 12. In any proceeding under this chapter a licensed physician or surgeon may testify without his patient's consent concerning the fact and probable date of inception of her pregnancy, and shall so testify when duly called as a witness.

Sec. 13. All records of court proceedings in filiation cases shall be withheld from inspection by, and copies thereof shall not be furnished to, persons other than the parties in interest and their attorneys, except upon order of the court.

Sec. 14. The provisions of this act are severable one from another and in their application to the persons and interests affected thereby. The judicial declaration of the invalidity of any provision, or the application thereof, shall not affect the validity of any other provision, or the application thereof.

Sec. 15. This act shall be liberally construed with a view to affecting its purpose, which is primarily to safeguard the interest of children born out of wedlock and to secure for them the nearest possible approximation to the care, support and education that they would be entitled to receive if born of lawful marriage, which purpose is hereby acknowledged and declared to be the duty of the state; and also to secure from the fathers of such children repayment of public moneys necessarily expended in connection with their birth.

Sec. 16. That said original sections 357, 358, 359, 360, 361, 362, 363 and 364 of the Revised Statutes of 1913 and all acts and parts of acts in conflict with this act are hereby repealed.

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## BILL NO. 46.

### INHERITANCE BY CHILDREN BORN OUT OF WEDLOCK. (An amendatory act.)

#### Abstract of Changes.

1. A filiated child may inherit from his father regardless of whether he be acknowledged by his father.

2. He may inherit, as representing his father or mother, if they, during his life, intermarry and his father acknowledge him,—without the present requirement that other children shall have been born to them.

3. Where such marriage and acknowledgement takes place the child shall be considered as though born in lawful wedlock, and thus legitimized.

#### References.

Illegitimacy Laws of United States. Federal Children's Bureau. pp. 23-25.

On legitimization, see Neb. Supreme Court Reports 72: 845.



Cross references.

See Part II, page 50 and bill 45.

## A BILL

For an Act to amend section 1273 of the Revised Statutes of 1913 relating to inheritance by children born out of wedlock and to repeal said original section.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 1273 of the Revised Statutes of 1913 is hereby amended to read as follows:

1273. Every ~~illegitimate~~ child *born out of wedlock* shall be considered as an heir of the person who shall, in writing, signed in the presence of a competent witness, have acknowledged himself to be the father of such child, *or of a person who shall have been adjudged by a court of record to be the father of such child*, and shall, in all cases, be considered as an heir of his mother and shall inherit his or her estate in whole or in part as the case may be, in the same manner as if he had been born in lawful wedlock, but he shall not be allowed to claim, as representing his father or mother, any part of the estate of his or her kindred either lineal or collateral, unless before his death his parents shall have intermarried ~~and had other children~~ and his father, after such marriage, shall have acknowledged him as aforesaid, or adopted him into his family, in which case such child *shall be considered as though born in lawful wedlock, and if other children are born of such marriage they and all legitimate children* shall be considered as brothers and sisters, and on the death of either of them intestate, and without issue, the other shall inherit his estate, and he theirs, as hereinbefore provided, in like manner as if all the children had been *born in lawful wedlock, legitimate* saving to the father and mother respectively their rights in the estate of all the said children as provided hereinbefore, in like manner as if all had been *born in lawful wedlock. legitimate.*

Sec. 2. That said original section 1273 of the Revised Statutes of 1913 is hereby repealed.

## BILL NO. 47.

### MARRIAGE TO ESCAPE PROSECUTION.

(A new and independent act.)

#### Abstract of the bill.

1. Marriage and desertion to escape prosecution for sex crimes made a felony.

#### References.

This law is based on a Michigan Statute. Howell's, Mich. Statutes, S. 115-44.

Also see Revised Statutes of Nebraska, 1913. Sec. 8614, 8615, 8616.

#### Cross references.

See Part II, page 50 and bills 13, 36, 37, 42, 43 and 45.

## A BILL

For an Act to make wife desertion in certain cases a felony and to provide a penalty therefor.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. Every man who shall marry any woman or girl for the purpose of escaping prosecution for rape, seduction or filiation proceedings, and shall afterwards desert her without good cause, shall be deemed guilty of a felony, and shall upon conviction, be fined not more than one thousand dollars, or be imprisoned in the state prison for not less than one nor more than three years: Provided, that no prosecution shall be brought under this act after five years from the date of the marriage.

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## BILL NO. 48.

### COMPULSORY CARE FOR UNMARRIED MOTHERS.

(A new and independent act.)

#### Abstract of the bill.

1. Purpose of the act is to secure the welfare of the unborn child.

2. The services of the state industrial home are free to any woman who is a proper subject for its care.

3. The bill applies to those cases only where an expectant unmarried mother without means or friends to care for her, refuses the aid of the state home or of any other proper institution.

4. Provision is made for judicial determination of the facts and for commitment to the state institution where it is a necessary step to insure proper care for the unborn child.

#### References.

National Conference Social Work, 1919. pp. 74-80.  
Illegitimacy as a Child Welfare Problem. Federal Children's Bureau, Bureau Publication No. 66.

#### Cross references.

See Part II, page 50 and bills 5, 28, 45.

### A BILL

For an Act to provide compulsory institutional care for women immediately before and after confinement, and for the temporary care of the mother and child, in the state industrial home for women at Milford, in cases where the mother is unable to properly to provide for herself, where no relatives or friends have provided care, and where the mother has refused proper care when offered by a public or private institution or organization.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. The services of the state industrial home for women at Milford shall be freely given to any woman or girl who is a proper subject for its care on application. When through ignorance, misunderstanding, prejudice or mental defect, a woman in need of the care of such institution refuses to accept care when offered in this institution, and when it is necessary for the welfare of the unborn child, provision may be made for the compulsory care and treatment of such persons, as prescribed in the following sections.

Sec. 2. On complaint made to any district or county judge, or judge of a court of domestic relations in this state, naming any unmarried woman resident in the county, and stating that such unmarried woman is pregnant and is without means of properly providing for her- in the state industrial home for women at Milford, and has refused to accept care in any accredited maternity hospital or rescue home, and is likely to become a public charge, or is likely to give birth to an unfiliated child as defined in Senate File 91 without proper means for the care of herself and child, the judge shall take such accusation in writing and thereupon issue his



warrant directed to the sheriff or constable commanding him forthwith to bring such accused person before the court to answer such complaint. On return of such warrant the judge shall inquire into the truth or falsity of the allegations in the complaint, shall question the person accused, shall hear such witness as may be subpoenaed and if, upon such examination it shall seem probable that said person is pregnant and has refused proper care when offered and has no means of properly caring for herself in confinement, the judge may order said person to be examined by a licensed physician, and shall take the testimony of such physician, and if from all the testimony, the judge shall find that such person is pregnant and unmarried and has no proper means of providing care for herself during confinement, he shall explain to her the purposes of the state industrial home for women and on behalf of the state may offer to secure free admission to such institution and may likewise offer the services of any charitable or other institution which is known to be willing to furnish such care for unmarried mothers during confinement, free of charge, and which are certified by the state child welfare bureau as proper places for the care of women during confinement, and if such person shall then refuse to accept care in the state industrial home for women, or any other maternity hospital or institution for the care of women during confinement, which is certified by the state child welfare bureau, or any other institution, or with any person which may be approved by the judge hearing the case, and if it appears to be necessary for the welfare of the unborn child, the court may order such pregnant woman to be committed to the care and custody of the state industrial home for women, and shall enter an order of commitment, placing her under the control of the superintendent of such institution, subject to the rules and regulations of said institution for a period not to exceed one year.

Sec. 3. A copy of the order of commitment containing the information as to the name, age, circumstances and condition of the person committed, as required by the

state industrial home for women, shall be delivered to a woman probation officer, police officer, or other woman officer appointed by the court who shall conduct such pregnant woman to the state industrial home for women.

Sec. 4. If any section or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed the act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases is declared unconstitutional.

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(E.) GUARDIANSHIP AND ADOPTION.

**BILL NO. 49.**

RAISING THE AGE OF MAJORITY FOR GIRLS.  
(An amendatory act.)

**Abstract of Changes.**

1. Age under which females are declared to be minors is raised from eighteen to twenty-one.

2. Marriage of a girl under twenty-one not to terminate guardianship when she is under guardianship on account of delinquency by order of a juvenile court.

**References.**

Report of Missouri Children's Code Commission, 1918, pp. 25 and 95.

**A BILL**

For an Act to raise the age of majority for females to twenty-one years and to amend sections 1627 and 1634 of the Revised Statutes of 1913 and to repeal said original sections and all acts and parts of acts in conflict herewith.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That sections 1627 and 1634 of the Revised Statutes of 1913 are hereby amended to read as follows:

1627. All ~~male children~~ persons under twenty-one ~~and all females under eighteen~~ years of age are declared to be minors; but in case a female marries between the ages of ~~sixteen eighteen~~ and ~~eighteen~~ *twenty-one* her minority

ends: *Provided that this law shall not be so construed as to restrict or limit the rights of females who have attained the age of eighteen years before this law shall become effective: Provided further, that the marriage of any female under the age of twenty-one shall not terminate her guardianship when she is under guardianship on account of delinquency by order of a juvenile court.*

1634. Every guardian appointed as aforesaid shall have the care and management of the estate of the minor, and shall continue in office until such minor shall arrive at the age of twenty-one ~~if a male or eighteen years if a female~~, or until the guardian shall be discharged according to law.

Sec. 2. That sections 1627 and 1634 of the Revised Statutes of 1913 and all acts and parts of acts in conflict with this act are hereby repealed.

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## BILL NO. 50.

### ADOPTION.

(An amendatory act.)

#### Abstract of Changes.

1. The terms "filiated child" and "unfiliated child" are substituted for illegitimate child.

2. That part of the law dealing with the adoption of children who have been transferred by relinquishment from their parents to other persons or associations has been amended to harmonize with the proposed law (bill 8) which restricts the right to make such relinquishments.

3. Provisions are made for an investigation by the state child welfare bureau of both the child and of the home before a child is adopted.

#### Cross references.

See bills 8, 52, and 53, Sec. 5.

## A BILL

For an Act to amend sections 1616 and 1621 of the Revised Statutes of 1913 relating to adoption and to repeal said original sections.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That sections 1616 and 1621 of the Revised Statutes of 1913 be amended to read as follows:



1616. Any one of the following classes of persons may relinquish the custody and control of a minor child and consent to its adoption in the manner hereinafter prescribed, to wit:

First—The parents, if living, of a legitimate *or filiated* minor child, except as provided in subdivisions, three, five *and six and seven* of this section.

Second—The surviving parent, if one has died, of a legitimate minor child, except as provided in subdivisions five *and six and seven* of this section.

Third—If one of the parents of a legitimate *or filiated* minor child shall have had the exclusive and actual custody or control of such minor child for the period of six months last preceding, for the support of which the other parent shall have without just cause or fault contributed nothing whatever during such period, the parent having the custody or control may consent to its adoption.

Fourth—The mother, if living, of an *illegitimate unfiliated* minor child.

Fifth—Any person *related to such child within the second degree or any Nebraska corporation or association duly licensed by the state child welfare bureau for the purpose of caring for dependent children* to whom the custody or control of any minor child shall have been given by a written instrument signed and executed in the presence of at least one witness, by both parents, if living, of a legitimate child, or by the ~~servicing~~ surviving parent, if one is dead, of a legitimate *or filiated* child, or by the mother, if living of an *illegitimate unfiliated* child may consent to its adoption: Provided such written instrument shall *have been signed not less than three months after the birth of the child and shall* authorize such person, corporation or association to procure the adoption of said minor child by some suitable person. Said written instrument shall be acknowledged by the signer or signers thereof before any officer authorized by the laws of the state to acknowledge deeds.

Sixth—~~Any person, corporation, or association that shall have had lawful custody or control of any minor child for~~

the period of six months last preceding, for the support of which neither parent shall without just cause or fault have contributed anything whatever during such period, may consent to its adoption.

~~Seventh~~ *Sixth*—Any person, corporation or association that shall have been appointed guardian of the person of any minor child because of the cruelty, neglect or unsuitableness of its parents, may consent to its adoption, provided that a decree of adoption shall not be entered until the court appointing said guardian shall have made an order authorizing said guardian to consent to said adoption.

1621. Upon the filing of such petition the court shall fix a time for hearing the same, which time shall be at least fourteen days subsequent to the filing thereof; the court ~~may~~ *shall* require notice of the hearing to be given to all parties interested *either* by personal service or by publication: Provided, it shall not be necessary to give notice to the minor child to be adopted, unless he shall be over the age of fourteen years. If notice shall be given by publication, it shall be published at least four consecutive weeks in some newspaper of general circulation in said county, ~~which~~ *and the last* publication shall be at least ten days prior to the day of hearing: Provided further, in the event that the parents or either of them reside within the state, and personal service can be had upon them, such service shall in all such cases, be had upon such parent or parents.

*Upon the filing of a petition for the adoption of a minor child the judge or the clerk of the court shall notify the state child welfare bureau. It shall then be the duty of the bureau to verify the allegations of the petition; to investigate the condition and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption; and to make appropriate inquiry to determine whether the proposed foster home is a suitable home for the child. The bureau shall as soon as practicable submit to the court a full report in writing, with a recommendation as to the granting of a petition*

*and any other information regarding the child or the proposed home which the court shall require. No petition shall be granted until the child shall have lived for six months in the proposed home: Provided, however, that such investigation and period of residence may be dispensed by the court upon good cause shown when satisfied that the proposed home and the child are suited to each other.*

Sec. 2. That said original sections 1616 and 1621 of the Revised Statutes of 1913 are hereby repealed.

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### BILL NO. 51.

#### GUARDIANSHIP. (An amendatory act.)

##### Abstract of Changes.

1. The parents are given equal rights to the services and earnings of their children, as well as to their custody and care, and if either abandons the child the guardianship devolves upon the other.

##### References.

Laws Affecting Women and Children, Annie G. Porritt, pp. 139-147.

### A BILL

For an Act to amend section 1632 of the revised Statutes of 1913 relating to guardian and ward and to repeal said original section.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. That section 1632 of the Revised Statutes of 1913 is hereby amended to read as follows:

1632. The father and mother are the natural guardians of their minor children and are equally entitled to their custody, *services and earnings* and to ~~care for~~ *direct* their education, being themselves competent to transact their own business and not otherwise unsuitable. If either dies or is disqualified for acting, *or has abandoned his or her family* the guardianship devolves upon the other.

Sec. 2. That said original section 1632 of the Revised Statutes of 1913 is hereby repealed.



## Chapter V.

### ADMINISTRATION AND LAW ENFORCEMENT.

#### BILL NO. 52.

##### STATE CHILD WELFARE BUREAU.

(A bill to repeal a law and enact new legislation.)

##### Abstract of Changes.

1 The present law creating the child welfare bureau in the department of public instruction and providing for a children's code commission in connection with it is repealed and a new child welfare bureau with amplified powers and duties is created in the department of public welfare, where the present bureau has been actually placed by executive action.

2. The powers and duties of the bureau are to enforce all laws for the welfare of the special classes of children and promote the general welfare of all children. To this end it shall inspect, regulate and license child caring agencies; supervise the placing-out and adoption of children; visit children paroled from state institutions; supervise the work of juvenile probation officers and co-operate with juvenile courts; encourage the appointment of county superintendents of child welfare, certify to their fitness, and enforce the child labor law.

3. Provisions are made for a director to be appointed by the head of the department.

4. An advisory council is created, the members of which serve without compensation, for six year terms, rotating in office. The functions of the council are to study the whole field of child welfare, devise general policies to be recommended to the bureau, and to nominate two or more candidates for the position of director.

##### References.

Bulletins of the North Carolina State Board of Charities and Public Welfare for 1918 and 1919.

Reports of the Missouri Children's Code Commission of 1917 and 1918.

Minnesota Compilation of Laws Relating to Children, 1917.

Summary of report of Reconstruction Commission. Albany, N. Y. 1919.

Twelfth Annual Report, New York State Probation Commission. Albany, N. Y. 1919.

Report of Children's Department. State Board of Control. Sacramento, California. 1919.

Illinois, Public Welfare General Information and Laws. Springfield, Illinois. July 1917.

Illinois Civil Administrative Code, Compiled by Secretary of State, 1917.

Massachusetts, Commission on Probation. Boston. 1919.

Ninth Report Colorado State Bureau Child and Animal Protection. 1918.

National Conference Social Work, 1920, pp. 43-46, 127-139, 319-31.

**Cross references.**

See Part II, page 50 and bills 4, 5, 7, 8, 9, 10; bill 12, Sec. 21; bill 26, ss 1, 2, 17; bills 28, 29; 32, s. 3; bills 45 and 53.

Minnesota, Final Report of the Efficiency and Economy Commission, 1913.

Summaries of State Laws, etc. Published by the Texas Conference of Social Welfare, Dallas. 1918.

## A BILL

For an Act relating to child welfare, creating a bureau of child welfare with an advisory council and repealing chapter 178, Laws of Nebraska, 1919.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. There is hereby established in the department of public welfare a bureau to be known as the State Child Welfare Bureau, designated in this act as the Bureau, with the several powers, functions, and duties hereinafter prescribed.

Sec. 2. The Bureau shall have power and it shall be its duty: First, to promote the enforcement of all laws for the protection and welfare of defective, unfiliated, dependent, neglected, and delinquent children and to take the initiative in all matters involving such children where adequate provision therefor has not already been made; and Second, to devise plans and means to promote the general welfare of children.

To this end the Bureau shall:

(1) Visit and inspect all public and private institutions, agencies, or societies caring for, receiving, placing out, or handling children.

(2) Issue licenses or certificates as provided by law to such institutions, agencies, or societies and have power to revoke such licenses or certificates for good cause shown.

(3) Exercise general supervision over the administration and enforcement of all laws governing the placing out and adoption of children.

(4) Act as the agent of the board of control in relation to children conditionally released or placed out from state institutions.

(5) Advise with judges and probation officers of courts of domestic relations and juvenile courts of the several counties, with a view to encouraging, standardizing, and co-ordinating the work of such courts and officers throughout the state.

(6) Encourage the appointment of county superintendents of child welfare, examine into their qualifications upon their nomination by the county boards of child welfare, and if such persons are qualified, certify to their fitness for appointment.

(7) Prescribe the form of reports required by law to be made to this bureau by public officers, agencies and institutions.

(8) Enforce all laws regulating the employment of children, with full power of visitation and inspection of all factories, industries and other establishments or places in which children may be employed, permitted, or suffered to work, and the duties, power, and authority, with reference to the child labor law, heretofore imposed upon the department of labor are hereby transferred to and imposed upon the Bureau: Provided, that it shall be the duty of agents of the department of labor to report to the Child Welfare Bureau any violations of the child labor laws which may come to their notice.

Sec. 3. The Bureau shall be under the immediate management and control of a director who shall be appointed as hereinafter provided. He shall appoint such assistants, agents and clerks and shall be allowed such traveling and other expenses as are necessary to carry out the duties imposed upon the Bureau.

Sec. 4. There shall be an advisory council to be known as the State Child Welfare Council, hereinafter called "the council," which council shall be composed of seven members designated and appointed as follows: the superintendent of public instruction, and one member of the board of control, designated by such Board, shall *ex officio* become members of the council, and within thirty days after this act shall take effect, the governor shall appoint five electors of the state especially qualified by education, experience, and interest in child welfare



problems, at least two of whom shall be women, and not more than two of whom shall reside in the same Congressional district. The term of office of two of these shall expire January 1, 1923, two on January 1, 1925, and one January 1, 1927, and the said terms of office shall be designated to each appointee by the governor and all succeeding appointments shall be made for a term of six years, and appointments to fill vacancies shall be made by the governor for the residue of such term. The members of the council shall serve without compensation but the state shall refund to them their traveling and other necessary expenses actually paid out while in attendance on the meetings of the council or on the business of the Bureau.

Sec. 5. It shall be the duty of the Council:

(1) To nominate not less than two persons, exceptionally well qualified by character, training and experience, for director of the bureau and from such nominees the secretary of the department of public welfare shall appoint the director of the bureau who shall serve for a term of six years unless removed for incompetency or neglect of duty after written charges have been sustained at a public hearing, with notice and opportunity to be heard. The salary of the director shall be designated by the council at not less than \$3,000 nor more than \$4,500 in accordance with the training and experience of the director.

(2) To study the entire field of child welfare with a view to assisting the bureau in developing policies and programs to be carried out by its executive officials; to advise the executive officials of the bureau upon their request; to recommend, on its own initiative, policies and practices, which recommendations the executive officers of the bureau shall duly consider, and to give advice or make recommendations to the governor or legislature when so requested, or on its own initiative. To this end only it shall have access, at any time to all books, papers, documents and records pertaining or belonging to the Child Welfare Bureau and may require

written or oral information from any officer or employee thereof.

(3) To submit annually a report to the secretary of the department of public welfare, which report shall be made public and transmitted to the governor along with the report of said department.

Sec. 6. If any section or subdivision of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subdivisions, sentences, clauses, or phrases is declared unconstitutional.

Sec. 7. Chapter 178, of the laws of Nebraska of 1919, and all acts and parts of acts in conflict herewith are hereby repealed.

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## BILL NO. 53.

### COUNTY BOARDS OF CHILD WELFARE. (A new and independent act.)

#### Abstract of the bill.

1. County boards of child welfare are to be established in each county consisting of the county superintendent, one member of the county board and three members appointed by the county judge, each serving 3 years, without compensation, rotating in office.

2. The functions of the board are to assist the state child welfare bureau in the county, visit institutions for children, cooperate with all agencies in the administration of child welfare laws, advise county officials on matters relating to children, and to regulate and license commercialized amusements.

3. County superintendents of child welfare may be appointed in the discretion of the county board of child welfare, and compensated as determined by that board and the county board. They may act as county attendance officers and probation officers, investigate applicants for mothers' pensions, and for poor relief, promote wholesome recreation, and in general act as the agent of the board, cooperating with the state child welfare bureau in all child welfare work.

#### References.

National Conference Social Work, 1920, pp. 43-46, 127-139, 319-31.  
Second Annual Report, Board of Public Welfare, Omaha, Nebraska, 1919.

Indiana Bulletin of Charities. Sept. 1919. page 330.

Recreation Legislation, 1915. Russell Sage Foundation,

## A BILL

For an Act to consolidate the child welfare work in each county of the state; to establish county boards of child welfare; to provide for county superintendents of child welfare, to prescribe their powers and duties, and to fix their compensation.

*Be it Enacted by the People of the State of Nebraska:*

Section 1. Within thirty days after this act goes into effect, the judge of the juvenile court of each county shall appoint three electors resident therein, at least one of whom shall be a woman, who, together with the county superintendent of schools and one member of the board of county commissioners or county supervisors who shall be designated by such board of commissioners or supervisors for that purpose, shall constitute the county board of child welfare. Upon the appointment of the above named board, and regularly thereafter the judge shall file the name, address and dates of term of office with the state bureau of child welfare.

Sec. 2. The members of the county board of child welfare shall serve without compensation. The appointive members shall hold office as follows: the term of one shall expire January 1, 1922, of the second, January 1, 1923, and of the third, January 1, 1924, said term of office to be designated to each appointee by the appointing judge, and all succeeding appointees shall hold office for a regular term of three years. Appointments to fill vacancies shall be for the unexpired term.

Sec. 3. It shall be the duty of the county board of child welfare to advise with and to assist the state child welfare bureau in its work in the county, to make such visitations and reports and to perform such duties as may be required of it by the state child welfare bureau, and to act in a general advisory capacity to the county and municipal authorities in dealing with questions involving the administration of laws relating to children, and the



amelioration of conditions affecting children generally. It shall be the duty of the county board of child welfare to co-operate with all social agencies in the county, and upon request of any public social agency it may, in the interests of economy and efficiency, assume the duties of that agency in the county.

Sec. 4. The county board of child welfare shall have power to appoint an executive agent to be known as the county superintendent of child welfare who shall serve at the pleasure of the board, and whose salary shall be fixed by said board by and with the consent of the county board of commissioners or supervisors, and paid from the public funds of the county upon warrants signed by the chairman of the county board: Provided, that no person shall be appointed to the office of county superintendent of child welfare who has not been duly certified by the state child welfare bureau as qualified by training and character to serve in such capacity.

Sec. 5. The county superintendent of child welfare shall have power and it shall be his duty:

(1) To act as county attendance officer when so ordered by the county board of child welfare and to enforce all laws relating to compulsory education and child labor.

(2) To act as county probation officer upon appointment by the judge of the juvenile court.

(3) To investigate all applicants for mothers' pensions, and for poor relief where children are involved, to make recommendations to the proper authorities for or against, such assistance, and to keep complete records of all such investigations and recommendations.

(4) To promote wholesome recreation in the county and to aid in the enforcement of laws for the regulation of commercialized amusements.

(5) To furnish information to, and co-operate with, all officials in securing the enforcement of the laws relating to children.

(6) To act as the agent of the state child welfare bureau in relation to any work done by the said bureau within the county.

Sec. 6. Within thirty days after their appointment, the members of the county board of child welfare shall meet and organize by electing a chairman who shall serve until the first meeting of the board in January and thereafter the chairman shall be elected annually at the first meeting in January.

Sec. 7. The county board of child welfare shall meet at least monthly with the county superintendent of child welfare who shall act as secretary of the board: Provided, that in counties in which there is no county superintendent of child welfare, one member of the county board of child welfare shall be designated to serve as secretary. The county board of child welfare shall have general oversight and supervision of all of the work of the county superintendent of child welfare.

Sec. 8. The county board of child welfare shall have power to supervise, regulate and license or suppress public dance halls, pool halls, motion picture houses, traveling shows and all forms of commercialized amusements in the county, outside of incorporated cities and villages and it may define commercialized amusements and may by rule establish standards for such amusements and provide a process for issuing and revoking licenses.

Sec. 9. The county board of child welfare shall visit at least annually, and as often as may be necessary, all reformatory, correctional, or charitable institutions or agencies within the county, caring for, receiving or handling children. It shall report annually to the board of county commissioners, or other officers having jurisdiction over such institutions, and shall make recommendations regarding the improvement of such institutions and regarding any measures to be taken for the relief of distress or the protection of children or the prevention of pauperism. It shall also report annually to the state child welfare bureau upon such blanks and in such form as the bureau shall require.

Sec. 10. The county board of child welfare may appoint assistants as may be necessary, due to the size of the county or the growth of the work; and certain of the duties of the county superintendent of child welfare

may be delegated to the assistants of the county superintendent of child welfare. Such assistants shall be paid such salaries as shall be allowed by the county board upon recommendation of the county board of child welfare.

Sec. 11. In counties where there are cities which already have a local board of public or child welfare, or which may wish to establish such, the governing bodies of such cities may make arrangements with the county board of child welfare to consolidate or co-ordinate the work as may be mutually agreed upon with such division of expenses as may be equitable.



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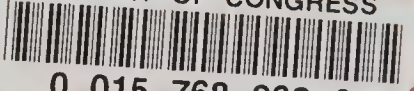








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